

Extra Ordinary Part-V / 2015

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| Extra No.19 | 25-03-2015 | Legislative & Parliamentary Affairs Department |
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WEDNESDAY, FEBRUARY 11, 2015/MAGHA 22, 1936

Separate paging is given to this part in order that it may be filed as a Separate Compilation.

PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT PUBLIC WORKS CONTRACTS DISPUTES ARBITRATION TRIBUNAL (AMENDMENT) BILL, 2015.

GUJARAT BILL NO. 1 OF 2015.

A BILL

*further to amend the Gujarat Public Works Contracts Disputes
Arbitration Tribunal Act, 1992.*

It is hereby enacted in the Sixty-sixth Year of the Republic of India as follows:-

1. This Act may be called the Gujarat Public Works Contracts Disputes Arbitration Tribunal (Amendment) Act, 2015. **Short title.**

Guj. 4 of 1992. 2. In the Gujarat Public Works Contracts Disputes Arbitration Tribunal Act, 1992, in section 4, in sub-section (1),- **Amendment of section 4 of Guj.4 of 1992.**

- (i) in clause (a), for the words "sixty-five years", the words "sixty-seven years" shall be substituted;
- (ii) in clause (b), for the words "sixty-two years", the words "sixty-five years" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

Section 3 of the Gujarat Public Works Contracts Disputes Arbitration Tribunal Act, 1992 (Guj. 4 of 1992) provides for the appointment of the Chairman and members of the Gujarat Public Works Contracts Disputes Arbitration Tribunal. Sub-section (1) of section 4 of the said Act provides that the Chairman of the Tribunal can hold the office until he attains the age of sixty-five years and a member of the Tribunal can hold the office until he attains the age of sixty-two years.

It is felt that the age should not pose any problem for appointment of deserving and experience persons as the Chairman or the members of the said Tribunal. It is, therefore, considered necessary to increase the age limit of "sixty-five years" to "sixty-seven years" for the appointment of the Chairman and "sixty-two years" to "sixty-five years" for the members. *Clause 2* of the Bill provides for the same.

This Bill seeks to amend the said Act to achieve the aforesaid objects.

Dated the 10th February, 2015.

PRADEEPSINH JADEJA.

By order and in the name of the Governor of Gujarat,

C. J. GOTH,

Gandhinagar,
Dated the 11th February, 2015.

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.



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PART V

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(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE PROVINCIAL SMALL CAUSE COURTS

(GUJARAT AMENDMENT) BILL, 2015.

GUJARAT BILL NO. 2 OF 2015.

A BILL

further to amend the Provincial Small Cause Courts Act, 1887 in its application to the State of Gujarat.

It is hereby enacted in the Sixty-sixth Year of the Republic of India as follows:-

1. (1) This Act may be called the Provincial Small Cause Courts (Gujarat Amendment) Act, 2015. Short title and commencement.
- (2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

**Amendment of
section 15 of
IX of 1887.**

2. In the Provincial Small Cause Courts Act, 1887, in its application to the State of Gujarat, in section 15, in sub-section (3), for the words "two lacs rupees", the words "ten lacs rupees" shall be substituted. **IX of 1887.**

**Transfer of
pending cases.**

3. All suits and applications of a civil nature wherein the subject matter exceeds in amount or value two lacs rupees but does not exceed ten lacs rupees pending in the District Courts immediately before the commencement of the Provincial Small Cause Courts (Gujarat Amendment) Act, 2015 shall after such commencement stand transferred to and be disposed of by the Judge, Small Cause Court within the local limit of his ordinary jurisdiction. **Guj.of
2015.**

STATEMENT OF OBJECTS AND REASONS

Under the existing provisions of the Provincial Small Cause Courts Act, 1887, the pecuniary jurisdiction of all suits of civil nature is upto rupees two lacs since 2002. In view of the fall in the purchase value of the rupee and the substantial appreciation in value of immovable property in the recent times, it is considered necessary to raise such pecuniary jurisdiction of the Court of Small Cause from two lacs rupees to ten lacs rupees.

This Bill seeks to amend the said Act to achieve the aforesaid object.

PRADEEPSINH JADEJA,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves delegation of legislative power in the following respect:-

Clause 1.- Sub-clause (2) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force.

The delegation of legislative power as aforesaid is necessary and is of a normal character.

Gandhinagar,
Dated the 12th February, 2015.

PRADEEPSINH JADEJA.

By order and in the name of the Governor of Gujarat,

Gandhinagar,
Dated the 12th February, 2015

C. J. GOTH,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.



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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE PRESIDENCY SMALL CAUSE COURTS

(GUJARAT AMENDMENT) BILL, 2015.

GUJARAT BILL NO. 3 OF 2015.

A BILL

further to amend the Presidency Small Cause Courts Act, 1882 in its application to the City of Ahmedabad, for the purposes hereafter appearing.

It is hereby enacted in the Sixty-sixth Year of the Republic of India as follows:-

1. (1) This Act may be called the Presidency Small Cause Courts (Gujarat Amendment) Act, 2015. Short title and commencement.
- (2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment of section 18 of XV of 1882. 2. In the Presidency Small Cause Courts Act, 1882, in its application XV of 1882. to the City of Ahmedabad (hereinafter referred to as "the principal Act"), in section 18, for the words "two lacs rupees" wherever they occur, the words "ten lacs rupees" shall be substituted.

Amendment of section 20 of XV of 1882. 3. In the principal Act, in section 20, for the words "two lacs rupees" wherever they occur, the words "ten lacs rupees" shall be substituted.

Amendment of section 22 of XV of 1882. 4. In the principal Act, in section 22, in clause (b), for the words "two lacs rupees", the words "ten lacs rupees" shall be substituted.

Amendment of section 41 of XV of 1882. 5. In the principal Act, in section 41, for the words "two lacs rupees", the words "ten lacs rupees" shall be substituted.

Substitution of section 71 of XV of 1882. 6. In the principal Act, for section 71, the following section shall be substituted, namely:-

Court-fees. "71. The Court-fees leviable in suits, appeals and applications under this Act shall be the same as are leviable under Chapter II of the Gujarat Court-fees Act, 2004 and the provisions of that Act shall, *mutatis mutandis*, apply to the recovery of such court-fees."

Guj. 4 of 2004.

Substitution of section 72 of XV of 1882. 7. In the principal Act, for section 72, the following section shall be substituted, namely:-

Process fees. "72. Save as otherwise provided by or under any provision of this Act, the fees chargeable for serving and executing any processes issued by the Small Cause Court, Ahmedabad shall be the same as are prescribed by the High Court of Gujarat under section 32 of the Gujarat Court-fees Act, 2004."

Guj. 4 of 2004.

Transfer of pending cases. 8. All suits and applications of a civil nature wherein the subject matter exceeds in amount or value two lacs rupees but does not exceed ten lacs rupees pending in the Courts of City Civil, Ahmedabad immediately before the commencement of the Presidency Small Cause Courts (Gujarat Amendment) Act, 2015 shall after such commencement, stand transferred, to and be disposed of by the Judge, Court of Small Cause, Ahmedabad within the local limit of his ordinary jurisdiction. Guj.of 2015.

STATEMENT OF OBJECTS AND REASONS

Under the existing provisions of the Presidency Small Cause Courts Act, 1882, the pecuniary jurisdiction of the Small Cause Court is rupees two lacs since 2002. The pecuniary jurisdiction of Civil Judge whose cadre is lower than that of the Judge of the Small Cause Court has been raised upto rupees ten lacs in 2014. Considering this aspect and in view of the fall in the purchase value of the rupee and the substantial appreciation in value of immovable property in the recent times, it is considered necessary to raise such jurisdiction of the Small Cause Court from two lacs rupees to ten lacs rupees. *Clauses 2,3,4,5 and 8 of the Bill provide for the same.*

At present court-fees in suits, appeals and applications, filed in the Small Cause Courts and fees for process are leviable as per the provisions of the Gujarat Court-fees Act, 2004. Therefore, sections 71 and 72 of the said Act of 1882 are proposed to be amended suitably. *Clauses 6 and 7 of the Bill provide for the same.*

This Bill seeks to amend the said Act to achieve the aforesaid object.

PRADEEPSINH JADEJA,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves delegation of legislative power in the following respect:-

Clause 1.- Sub-clause (2) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force.

The delegation of legislative power as aforesaid is necessary and is of a normal character.

Gandhinagar,
Dated the 12th February, 2015.

PRADEEPSINH JADEJA.

By order and in the name of the Governor of Gujarat,

C. J. GOTH,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

Gandhinagar,
Dated the 12th February, 2015



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PART - V

Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the Gujarat Government Gazette. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso for rule 127A of the Gujarat Legislative Assembly Rules:-

THE INDIAN INSTITUTE OF PUBLIC HEALTH GANDHINAGAR BILL, 2015.

GUJARAT BILL NO. 4 OF 2015.

A BILL

to provide for establishment of a non-affiliating University to be known as the Indian Institute of Public Health, Gandhinagar for imparting education in the field of public health and for research related to public health in the State of Gujarat and for the matters connected therewith and incidental thereto.

It is hereby enacted in the Sixty-sixth Year of the Republic of India as follows:-

CHAPTER I PRELIMINARY

1. (1) This Act may be called the Indian Institute of Public Health Gandhinagar Act, 2015.

Short title and
commencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Definitions. 2. In this Act, unless the context otherwise requires, -

- (a) "Academic and Research Council" means the Academic and Research Council of the University constituted under section 16;
- (b) "Director" means the Director of the University appointed under section 9;
- (c) "distance education" means imparting education through any means of communication such as broadcasting, telecasting, correspondence courses, seminars, contact programmes or the combination of any two or more of such means;
- (d) "Executive Council" means the Executive Council of the University constituted under section 13;
- (e) "Finance Committee" means Finance Committee of the University constituted under section 17;
- (f) "Governing Council" means the Governing Council of the University constituted under section 12;
- (g) "higher education" means study of a curriculum or course for the pursuit of knowledge beyond 10+2 level;
- (h) "hostel" means a place of residence for the students of the University, or its colleges, institutions or centers, maintained or recognised as such by the University;
- (i) "MCI" means the Medical Council of India constituted under the Medical Council Act, 1956;
- (j) "NAAC" means the National Council of Assessment and Accreditation, an institution of the UGC;
- (k) "off campus centre" means a centre established by the University outside the main campus but within the State of Gujarat as its constituent unit, having the University's complement of facilities, faculty and staff;
- (l) "prescribed" means prescribed by rules made under section 33;
- (m) "President" means the President of the University appointed under section 8;

- 21 of 1860.
- (n) “Registrar” means the Registrar of the University appointed under section 10;
 - (o) “Regulatory body” means a body established by the Government of India, for laying down the norms and conditions for ensuring academic standards of higher education including the UGC, AICTE, NCTE, MCI, PCI, NAAC, ICAR, DEC, CSIR, Indian Nursing Council, National Board of Examiners (NBE);
 - (p) “regulations” means regulations made under section 29;
 - (q) “sponsoring body” in relation to University means the Public Health Foundation of India (PHFI), a society registered under the Societies Registration Act, 1860;
 - (r) “student” means a student of the University and includes any person who has enrolled himself for pursuing any course of study of the University;
 - (s) “study centre” means a centre established, maintained or recognised by the University for the purpose of advising, counseling or for rendering any other assistance required by the students;
 - (t) “Teacher” means a Dean, Professor, Assistant Professor, Associate Professor, Adjunct Professor, Visiting Professor, Emeritus Professor, Reader, Lecturer or any other person imparting instructions in the University or for giving guidance to the students for pursuing any course of study, research or to render guidance in any other form to the students for pursuing a course of study of the University;
 - (u) “University” means the Indian Institute of Public Health Gandhinagar established and incorporated under section 3.

CHAPTER II

ESTABLISHMENT OF UNIVERSITY

3. (1) There shall be established a University by the name of the “Indian Institute of Public Health Gandhinagar (IIPHG)”.
- (2) The President, the Director, the Deans, the Members of the Governing Council, Executive Council, the Academic and Research Council, the Finance Committee and all other persons who may hereafter become such officers and members so long as they continue to hold such office or membership, shall constitute a body corporate by the name of the “Indian Institute of Public Health Gandhinagar (IIPHG)”.

Establishment
and
incorporation
of University.

(3) The University shall have perpetual succession and a common seal, and shall sue and be sued by the said name.

(4) The University shall be competent to acquire and hold property, to lease, sell, or otherwise transfer any property which may vest in or be acquired by it for the purpose of the University and to contract and do all other things necessary for the purposes of this Act.

(5) The headquarters of the University shall be at Gandhinagar, Gujarat.

**Objects of
University.**

4. The overarching objectives of the University, in general, shall be to advance the education in the field of public health at diploma and degree levels, and at post-graduate levels including doctoral and post-doctoral levels, and to carry on research and consultancy in the area of public health as well as to develop and disseminate knowledge and create awareness about health, and in particular, shall be-

- (i) to establish a Centre of Excellence in the field of public health and allied fields, and attract the best talents at national and international level;
- (ii) to undertake multi-disciplinary education, research and development and to become a resource centre in the service of the society and the profession by developing knowledge in biostatistics, epidemiology, health services administration, health policy, public health, health management, health education, medical social work, occupational health/occupational medicine, industrial health, behavioural science, environmental health, community health, health insurance, etc. and develop curricula, syllabi and all related facilities for the conduct of the same, and for its recognition and approval from national and international accreditation boards or agencies for the purposes of employment or further education;
- (iii) to establish close linkage with profession, Government and industry at the national and international level and to make teaching, training, and research at the University relevant to the needs of the society;
- (iv) to impart the students holistic value based education and concerns about societal issues surrounding public health and equip them to deal successfully with a variety of challenges and opportunities;
- (v) to give training to teachers as well as non-teachers and Government officials and to impart education in the area of public health;
- (vi) to advance and disseminate knowledge, learning, impart training and provide for research and consultancy, in all areas related to public health and related areas including promoting and ensuring capacity building in public health education, training and research;

- (vii) to strengthen the health systems and build capacity of health workforce in the State of Gujarat and other States;
- (viii) to develop physical facilities and services in terms of buildings, equipment, research laboratories, studios, other materials and support systems for effective teaching of courses and programs, and for conduct of research and all other related activities;
- (ix) to establish campuses to pursue the objects of the University within and outside India;
- (x) to build a strong infrastructure and a high quality faculty for training professionals in public health and related disciplines in order to equip the country and the State of Gujarat with a large and qualified workforce for health and related activities;
- (xi) to raise financial resources by contributions, donations, grants or loans from government agencies, industries, other organisations and private individuals, for the effective functioning of the educational, research, publications and related functions of the University;
- (xii) to conduct field-research, surveys and studies to document, analyse and study the behavioural patterns and causes and effects of public health related measures;
- (xiii) to undertake publication activities to document and disseminate course material, research findings and other related matters pertaining to the developed and natural environment;
- (xiv) to develop collaborative programmes with similar institutions within and outside India having similar interests in fields of research, course development, sharing of faculties, exchange of faculties and students and such other fields;
- (xv) to prepare through education, training and collaborative research, a team of professionals with a multidisciplinary background, specialising in public health, community medicine, epidemiology, biostatisticians, public health nurses, medical microbiologists, environmental health officers, public health inspectors, public health engineers, public health lawyers, sociologists, community development workers, and other experts in the field of public health;
- (xvi) to open, found, establish, promote, set-up, maintain, assist, support and/or, help in setting up, running and/or, maintaining of libraries, research centers, laboratories and information services to promote and facilitate the aims and objectives of the University;

- (xvii) to acquire patents or licenses for general or specific purposes of all inventions or improvements or designs or innovations developed by the University and to sell, lease such patents or licences;
- (xviii) to evolve, devise, undertake, implement, promote, support and/or, coordinate strategies, plans and partnerships in association with various individuals, institutions, associations, international and national bodies and countries, non-governmental organisations, Government of India and State Governments, corporate bodies, bilateral and multilateral agencies, focusing on but not limited to, public health education in general, addressing capacity building in public health, driving public health oriented research and consultancy initiatives for shaping public health policies, creating higher standards of public health, and offering customised programmes to approach and address the public health needs of the country in general and the State of Gujarat and neighbouring States in particular;
- (xix) to take special measures to facilitate student and faculty exchanges between institutions across the world in the field of public health so as to improve the quality of teaching and learning and make it of global standards;
- (xx) to attract further awareness and social attention on the multiple dimensions of health including physical, mental and social well being through training, education, preparation of audio-video materials and their broadcasting on various channels or media;
- (xxi) to promote public health measures including nutrition, yoga, healthy lifestyle, alcohol and drug prevention, tobacco control, accident prevention, and particularly, hygiene, sanitation and cleanliness in the society, to contribute positively to the health of the society and an increase in life expectancy and the quality of life;
- (xxii) to address public health inequalities due to individual behavior and risk factors due to population such as inequality, poverty and a lack of education;
- (xxiii) to build highly competent group of professionals having strong knowledge of base and expertise in understanding assessing, analyzing and evaluating broad range of public health issues prevalent in community and society;
- (xxiv) to promote the fundamental duties enshrined under article 51A of the Constitution of India;
- (xxv) to assist Governments, through teams of experts, in preparing and implementing public health policies and programmes at the State and national level;

- (xxvi) to make the field of public health more accessible to the general public as well as professionals from across different disciplines through conferences, workshops, and an extensive internet presence through social media and health blogs;
- (xxvii) to work with the Central and State Governments as well as civil society organisations and the private sector with a view to creating meaningful career prospects and opportunities for public health professionals;
- (xxviii) to undertake, organise, assist, promote, support and coordinate the various activities aimed at creating and stimulating an awareness to address the increasing health challenges faced by India in general and the State of Gujarat and neighbouring States in particular, especially in rural and underserved areas.

5. No person shall be excluded from any office of the University or from membership of any of its authorities or from admission to any degree, diploma or other academic distinction or course of study on the sole ground of sex, race, creed, caste, class, place of birth, nationality, religious belief or political or other opinion.

**University
open to all.**

6. (1) Subject to the provisions of this Act, the University shall exercise the following powers and perform the following functions, namely:-

**Powers and
functions of
University.**

- (i) to administer and manage the University and such campuses, within the State of Gujarat for research, education, training and instructions as are necessary for the furtherance of the objects of the University;
- (ii) to conduct and to prescribe course and curricula, evaluation methods and standards, and provide for flexibility in the education system and delivery methodologies including distance learning;
- (iii) to confer degrees, diplomas or grant certificates, and other academic distinctions or titles on persons subject to such conditions as the University may determine, and to withdraw or cancel such degrees, diplomas, certificates, or other academic distinctions or titles in the manner prescribed by the regulations;
- (iv) to confer honorary degrees or other distinctions and withdraw them in the manner prescribed by the regulations;
- (v) to establish libraries, specialized study centers, and units for research and laboratories, studios, museums, or other units for research and instruction as are, in the opinion of the University, necessary for the furtherance of its objects;
- (vi) to conduct research in field practice areas to draw hypothesis, collect and analyse data and make conclusions for research and consulting projects as well as academic curricula;

- (vii) to collaborate or associate with, advise and to maintain linkages with educational or other institutions in any part of the world having objects wholly or partially similar to those of the University, through exchange of teachers and scholars and generally in such manner as may be conducive to their common objects;
- (viii) to fix, demand and receive or recover fees and such other charges in accordance with the guidelines issued by the University;
- (ix) to prescribe by regulations the qualifications for the admission to the courses offered by the University and admit the students as per the guidelines issued by the State Government in this regard;
- (x) to create academic, technical, administrative and other posts and to make appointments thereto;
- (xi) to supervise and control the hostels and regulate the discipline of students of the University and to make arrangements for promoting their health and general welfare and cultural and sports activities;
- (xii) to appoint as deans, head of departments, professors, emeritus professors, adjunct and visiting professors, associate professors, assistant professors, readers, lectures or otherwise as teachers and researchers of the University;
- (xiii) to regulate and enforce discipline amongst the employees of the University and to provide for such disciplinary measures as may be prescribed by the regulations;
- (xiv) to receive funds from industry, national and international organizations, Government or any other source as grants, gifts, donations, benefactions, bequests and by transfers of movable and immovable properties under the intimation of the State Government;
- (xv) to purchase or to take on lease or accept as gifts or otherwise any land or building or works which may be necessary or convenient for the purposes of the University on such terms and conditions as it may think fit and proper, and to construct or alter and maintain any such building or works;
- (xvi) to sell, exchange, lease or otherwise dispose of movable or immovable property of the University, on such terms as it may think fit and consistent with the interest, activities and objects of the University:

Provided that the University shall not sell, exchange, lease or otherwise dispose of any movable or immovable property granted by the State Government without prior approval of the State Government or without compliance of the terms and conditions on which the State Government has given approval;

- (xvii) to raise and borrow money on bond, mortgages, promissory notes or other obligations or securities founded or based upon all or any of the properties and assets of the University or without any securities upon such terms and conditions as it may think fit and to pay out of the funds of the University, all expenses incidental to the raising of money, and to repay and redeem any money borrowed;

- (xviii) to invest the funds of the University on or upon such securities and transpose any investment from time to time in such manner as may be prescribed by the regulations;
- (xix) to delegate all or any of its powers to the President or the Director or any committee or sub-committee constituted by any authority of the University or to any one or more members of the authorities of the University or to any officer of the University;
- (xx) to receive and manage grant-in-aid or other financial assistance from the State Government or the Central Government, foreign Governments or trusts or private organisations;
- (xxi) to maintain the standard and quality of education and research conducted on behalf of the University; and
- (xxii) to do all such acts and things as may be necessary to further the objects of the University to cultivate and promote the education and research in the field of public health.

CHAPTER III OFFICERS OF UNIVERSITY

7. The following shall be the officers of the University, namely:-

**Officers of
University.**

- (i) the President,
- (ii) the Director,
- (iii) the Registrar, and
- (iv) such other persons as may be declared by regulations to be the officers of the University.

8. (1) The President shall be a person of eminence having distinguished himself in his field, and preferably in the field of public health, public administration, health and medical or allied fields or social service. He shall be a person of vision and subscribe to the objectives and philosophy of the University and shall be deeply interested in academics. **President.**

(2) The President shall be appointed by the Sponsoring Body, in consultation with the State Government, for a period of three years by following such procedure and on such terms and conditions as may be prescribed by the regulations.

(3) He shall, by virtue of his office, be the head of the University and shall, when present, preside over at the meetings of the Governing Council and at convocation of the University and in his absence the Director shall preside at such meetings of the Governing Council and at convocation.

(4) The President shall have, subject to the provisions of this Act, power to cause an inspection or review, to be made by such person or persons as he may direct, of the University, its buildings, libraries, equipments and systems and processes and of any institution or center or campuses

maintained by the University and also of the examinations, teaching, research and other work conducted or done by the University and cause an inquiry to be made in the like manner in respect of any matter connected with the administration and finance of the University.

(5) The President shall exercise such other powers and perform such other duties as may be assigned to him by this Act or the regulations.

Director.

9. (1) The Director shall be an eminent person of high repute and accomplished in the field of public health. He shall have track record of academic activities and academic administration. The Director shall be appointed by the Governing Council out of the panel of three persons recommended by the Search Committee consisting of the following members, namely:-

- (i) an eminent professional, to be nominated by the Sponsoring body;
- (ii) an eminent educationalist, to be nominated by the Executive Council; and
- (iii) one member of the Executive Council, to be nominated by the President who shall act as the Chairperson of the committee.

(2) The Director shall be a fulltime officer of the University and shall hold office for a term of five years:

Provided that, after expiry of the term of five years, the Director shall be eligible for re-appointment for another term of five years.

(3) The Director shall be the principal executive and academic officer of the University and shall exercise general superintendence and control over the affairs of the University and shall execute the decisions of various authorities of the University. He shall-

- (i) exercise general supervision of the management and control over the affairs of the University;
- (ii) ensure implementation of the decisions of the authorities of the University;
- (iii) be the Chairman of the Academic and Research Council;
- (iv) be responsible for imparting of instructions and maintenance of discipline in the University; and
- (v) exercise such other powers and perform such other duties as may be assigned to him under this Act or the regulations or as may be delegated to him by the Governing Council or Executive Council or the President, as the case may be.

(4) Where in the opinion of the Director, it is necessary to take immediate action on any matter for which powers are conferred on any other authority by or under this Act, he may take such action as he deems

necessary and shall immediately thereafter report his action to such officer or authority as would have in the ordinary course dealt with the matter:

Provided that if in the opinion of the concerned officer or authority such action should not have been taken by the Director, then such case shall be referred to the President, whose decision thereon shall be final.

(5) The emoluments and other terms and conditions of service of the Director shall be such as may be prescribed by the regulations.

(6) If President, on representation made or otherwise, and after making such inquiry as may be necessary, is of the opinion that the continuance of the Director in the office is not in the interest of the University, he shall, by an order direct the Director to relinquish his office from the date specified in the order. Such order of the President shall be subject to the ratification by the Governing Council:

Provided that before taking an action under this sub-section, the Director shall be given an opportunity of being heard.

10. (1) The Registrar shall be appointed by the President in such manner and on such terms and conditions as may be prescribed by regulations, and shall be the whole time officer of the University. Registrar.

(2) The Registrar shall exercise the following powers and perform following duties, namely:-

- (i) he shall be responsible for the custody of records, common seal, the funds of the University and such other property of the University;
- (ii) he shall place before the Governing Council and other authorities of the University, all such information as may be necessary for transaction of their business;
- (iii) such other powers and duties as may be prescribed by the regulations.

CHAPTER IV AUTHORITIES OF UNIVERSITY

Authorities of
University.

11. The following shall be the authorities of the University, namely:-

- (i) the Governing Council,
- (ii) the Executive Council,
- (iii) the Academic and Research Council,
- (iv) the Finance Committee, and
- (v) such other authorities as may be declared by the regulations to be the authorities of the University.

**Governing
Council.**

12. (1) The Governing Council of the University shall consist of the following members, namely:-

- (i) the President;
- (ii) the Director;
- (iii) (a) the Secretary to Government, Health and Family Welfare Department (MSME), or his representative not below the rank of Deputy Secretary to Government;
(b) the Secretary to Government, Health and Family Welfare Department (P H & F W) or his representative not below the rank of Deputy Secretary to Government;
- (iv) the Director or the Additional Director of Public Health of Government of Gujarat- *ex-officio*;
- (v) five persons, to be nominated by the Sponsoring Body representing eminent experts in the field of education, public health and allied disciplines, public administration, industry and social work;
- (vi) one member representing Central Government not below the rank of Joint Secretary to Government, to be nominated by the Government of Gujarat in consultation with the Central Government-*ex officio*;
- (vii) two Patrons, to be nominated by the Governing Council.

(2) The President shall be the Chairperson of the Governing Council.

- (3) (a) the term of nominated members of the Governing Council shall be three years from the date of their nomination;
- (b) an *ex-officio* member shall continue so long as he holds the office by virtue of which he is such a member;
- (c) a member may be re-nominated for one more term only;
- (d) a member may resign his office by writing under his hand, addressed to the Chairperson of the Governing Council, but he shall continue in office until his resignation has been accepted by the Chairperson.

(4) The Governing Council shall be the supreme authority of the University. All movable and immovable property of the University shall vest in the Governing Council.

(5) The Governing Council shall have the following powers, namely:-

- (i) to control functioning of the University by using all such powers as are provided by or under this Act, the regulations or the statutes made thereunder;

- (ii) to review the decisions of other authorities of the University in case they are not in conformity with the provisions of this Act, or the regulations made under this Act;
 - (iii) to approve the budget and annual report of the University;
 - (iv) to lay down the extensive policies to be followed by the University;
 - (v) such other powers as may be prescribed by the regulations.
- (6) The Governing Council shall meet at least once in a calendar year.
- (7) Minimum four members shall form a quorum for a meeting of the Governing Council.
- (8) A member of the Governing Council shall cease to be a member, if he-
- (i) tenders his resignation and such resignation is accepted; or
 - (ii) becomes of unsound mind and stands so declared by a competent court; or
 - (iii) becomes insolvent; or
 - (iv) has been convicted of an offence involving moral turpitude.

13. (1) The Executive Council shall consist of the following members, namely:-

Executive Council.

- (i) the President,
 - (ii) the Director,
 - (iii) two members of the Governing Council, to be nominated by the Sponsoring Body;
 - (iv) two persons who are not the members of the Governing Council, to be nominated by the Sponsoring Body;
 - (v) two persons from amongst the faculty members of the University, to be nominated by the President;
 - (vi) two experts in public health, to be nominated by the Governing Council.
- (2) The Registrar shall be the Member-Secretary of the Executive Council.
- (3) The President shall be the Chairperson of the Executive Council:
- Provided that the President may at his discretion, nominate any of the two members of the Governing Council to be the Chairperson of the Executive Council.
- (4) The Executive Council shall meet at least three times in a calendar year.

(5) Four members shall form a quorum for a meeting of the Executive Council.

**Powers
and
functions
of
Executive
Council.**

14. (1) Subject to the provisions of this Act, the Executive Council shall be responsible for the general superintendence, direction and control of the affairs of the University and shall exercise all powers of the University.

(2) The Executive Council shall have power to review the acts of all subordinate organizational structures including the Academic and Research Council, Finance Committee and other authorities.

(3) Without prejudice to the provisions of sub-sections (1) and (2), the Executive Council shall have the following powers, namely:-

- (i) to take decisions on question of policy relating to the administration and working of the University;
- (ii) to take decisions regarding courses of study at the University;
- (iii) to make regulations;
- (iv) to consider and approve the annual report and the annual accounts of the University;
- (v) to invest moneys and funds of the University and take decisions on the recommendations of Finance Committee;
- (vi) to create or abolish posts of teachers and other employees of the University;
- (vii) to appoint such committees as it considers necessary for the exercise of its powers and the performance of its duties under this Act;
- (viii) to appoint members of the committees subject to the regulations made under this Act;
- (ix) to delegate any of its powers to the Registrar, Deans, Deputy Deans or any other officer, employee or authority (except Governing Council) of the University or to a committee appointed by it; and
- (x) to exercise such other powers and perform such other functions as may be conferred or imposed upon it by this Act or the regulations, and all such other powers for achieving the objects of the University.

15. (1) The term of office of the nominated member of the Executive Council shall be three years.

(2) An *ex-officio* member shall continue so long as he holds the office by virtue of which he is such member.

(3) When a person becomes a member of the Executive Council by virtue of his office, he shall cease to be such member if he ceases to hold that office.

**Term of
office and
vacancies in
Executive
Council.**

(4) When a person is nominated as a member of the Executive Council, he shall cease to be such member if his nomination as such is withdrawn by the nominating body or person, as the case may be.

(5) A member of the Executive Council shall cease to be a member, if he:-

- (i) tenders his resignation and such resignation is accepted; or
- (ii) becomes of unsound mind and stands so declared by a competent court; or
- (iii) becomes insolvent; or
- (iv) has been convicted of an offence involving moral turpitude.

(6) A member of the Executive Council may, by writing addressed to the Chairman of Executive Council, resign his office and such resignation shall take effect on the date it is accepted by the Chairman.

(7) Any vacancy in the Executive Council shall be filled in by nomination of a person by the relevant authority and the person so nominated shall hold office for so long as the member in whose place he is nominated would have held the office had the vacancy not occurred.

(8) A member shall be eligible for re-nomination for a further term of three years.

16. (1) The Academic and Research Council of the University shall consist of the following members, namely:-

**Constitution,
powers and
functions of
Academic and
Research
Council.**

- (i) the Director of the University, who shall be the Chairman,
- (ii) the Heads of Departments of all post-graduate programmes, one of whom shall be the Secretary of the Council;
- (iii) three expert academicians from other Universities, research organisations or public health agencies, to be nominated by the President,
- (iv) Faculties of University not exceeding three, to be nominated by the Director;
- (v) the Registrar.

(2) The term of office of the members shall be three years.

(3) The Academic and Research Council of the University shall have the following powers, namely:-

- (i) to develop perspective plan for academic development of the University;
- (ii) to develop academic and research policies of the University and to exercise control and general regulation and be responsible for the maintenance and improvement of standard of instruction, education and evaluation;

- (iii) to approve new programmes and to approve changes or modifications in existing programmes;
- (iv) to approve programmes offered through distance education;
- (v) to receive reports of the Deans, Director and persons in-charge of academic programmes and make suitable recommendations in academic matters of programmes;
- (vi) to recommend to the University, the Deans and the persons in-charge of various academic programmes to make suitable changes in the programmes including methods of assessment;
- (vii) to initiate or approve research programmes including collaborative research;
- (viii) to initiate or approve collaboration with other Universities;
- (ix) to encourage and develop joint inter-disciplinary programmes;
- (x) to exercise such other powers and perform such other functions as may be conferred upon it by the regulations.

(4) A member of the Academic and Research Council shall cease to be a member, if he-

- (i) tenders his resignation and such resignation is accepted; or
- (ii) becomes of unsound mind and stands so declared by a competent court; or
- (iii) becomes insolvent; or
- (iv) has been convicted of an offence involving moral turpitude.

(5) A member of the Academic and Research Council may, by writing addressed to the Chairman of Executive Council, resign his office and such resignation shall take effect on the date it is accepted by the Chairman.

17. (1) The Finance Committee shall consist of the following members, namely:-

**Constitution,
powers and
functions of
Finance
Committee.**

- (i) the Director, who shall be the Chairman;
- (ii) the Registrar;
- (iii) one member of the Executive Council, to be nominated by the President;
- (iv) a person who is expert in finance and management, to be nominated by the Chairman in consultation with the President;
- (v) any other person that the President in consultation with the Director deems fit;
- (vi) the Finance Officer of the University, who shall be the member-secretary of the Committee.

(2) The term of office of the members other than the *ex-officio* member shall be three years.

(3) The Finance Committee shall exercise the following powers and perform the following functions, namely:-

- (i) to examine the annual accounts and annual budget estimates of the University and advise the Executive Committee thereon;
- (ii) to review the financial position of the University from time to time;
- (iii) to make recommendations to the Executive Council on all financial policy matters of the University;
- (iv) to make recommendations to the Executive Council on all proposals involving raising of funds, receipts and expenditure;
- (v) to provide guidelines for investment of surplus funds;
- (vi) to make recommendations to the Executive Council on all proposals involving expenditure for which no provision has been made in the budget or for which expenditure in excess of the amount provided in the budget has been incurred;
- (vii) to examine all proposals relating to revision of scale, up gradation of the scale and those items which are not included in the budget, before they are placed before the Executive council;
- (viii) to exercise such other powers and perform such other functions as may be conferred or imposed upon it by the regulations;
- (ix) to consider and approve plans of financial development of the University.

(4) A member of the Finance Committee shall cease to be a member, if he-

- (i) tenders his resignation and such resignation is accepted; or
- (ii) becomes of unsound mind and stands so declared by a competent court; or
- (iii) becomes insolvent; or
- (iv) has been convicted of an offence involving moral turpitude.

(5) A member of the Finance Committee may, by writing addressed to the Chairman of Executive Council, resign his office and such resignation shall take effect on the date it is accepted by the Chairman.

CHAPTER V

FINANCE, ACCOUNTS AND AUDITS

University
Fund.

18. (1) The University shall establish a fund to be called the "University Fund".

(2) The following shall form part of, or be paid into, the University Fund:-

- (i) all moneys received from trusts, and private individuals or institutions in name of the University;
- (ii) income of the University from all sources including income from fees and charges;
- (iii) all contributions or grants received from the State Government, the Central Government, the Medical Council of India, University Grants Commission or any other national or international agency, and the funds received from sponsoring body;
- (iv) loans, gifts, donations, endowments, benefactions, bequests or transfers;
- (v) all moneys received by the University from the collaborating institutions or organisations in terms of the provisions of the Memorandum of Understanding between the University and the institution or organisation for establishment of sponsored chairs, fellowships or infrastructure facilities of the University;
- (vi) all moneys, fees, charges and consultancy fees, sponsored research fees by the University and its departments, fees of specialised trainings, conferences, etc.;
- (vii) bequests, endowments funds received from individuals, donors, corporate bodies, Governments, and interests and capital gains thereof, and
- (viii) all moneys received by the University in any other manner or from any other source.

(3) All funds of the University shall be deposited in the Scheduled Banks or invested in such manner as the Executive Council may decide on recommendation of the Finance Committee.

(4) The funds of the University shall be applied towards the expenses of the University including expenses incurred in the exercise of its powers and discharge of its functions in such manner, as may be prescribed by the regulations.

19. (1) The University shall maintain proper accounts and other relevant records and prepare an annual statement of accounts, including the income and expenditure account and the balance sheet, in such form and in such manner as may be prescribed by the regulations. **Accounts and audit.**

(2) The Accounts of the University shall be audited every year and in any case within six months from the date of closing of the financial year by the auditor who shall be a Chartered Accountant as defined in the Chartered Accountant Act, 1949 of a firm of Chartered Accountants appointed by the Governing Council.

(3) The Accounts of the University certified by the person or firm so appointed or any other person authorised in this behalf together with the

audit report thereon shall be placed before the Executive Council and thereafter before the Governing Council, and both Councils may issue such instructions to such authority of the University in respect thereof as it deems fit and the authority shall comply with such instructions.

(4) The University shall adopt a proper system of internal checks and balances and control in respect of finance, accounts and audit as may be prescribed by the regulations.

(5) The Accounts of the University shall be audited by an internal auditor who shall be a Chartered Accountant or a firm of Chartered Accountants of repute appointed by the Governing Council to ensure concurrent audit of all books of accounts, and such periodic internal audit reports shall be placed before the Governing Council for its consideration.

(6) The accounts relating to University together with the audit report shall be placed before the Governing Council and shall also be submitted to the State Government.

(7) The State Government may conduct the test audit or full audit of the accounts of the University by the auditors appointed by the State Government, when it requires so to do.

Annual
report.

20. (1) The University shall prepare each year the annual report for the financial year containing such particulars as the Governing Council may specify and shall be submitted to the Governing Council on or before such date as may be prescribed by the regulations. The Governing Council shall consider such report and may pass resolutions thereon and the Executive Council shall take such action in accordance with the resolution. The action taken by the Executive Council and if no action is taken, the reasons for taking no action, shall be communicated to the Governing Council at its meeting.

(2) The copy of the annual report along with the resolution of the Governing Council thereon shall be submitted to the State Government.

CHAPTER VI SUPPLEMENTARY PROVISIONS

Dismissal,
removal,
reduction
and
termination
of service of
staff of
University.

21. (1) No permanent member of the teaching, other academic and non-teaching staff of the University shall be terminated, dismissed or removed or reduced in rank except after an inquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of charges.

(2) An appeal from an order of termination, dismissal, removal or reduction under sub-section (1) above shall be preferred to the President

within ninety days from the date of the communication of such order and the decision of the President in such appeal shall be final.

**Returns and
information.**

22. The University shall furnish to the State Government, University Grants Commission and other statutory authorities such reports, returns, statements and other information as may be required by them from time to time.

**Assessment
for
ascertaining
the standard
of teaching,
etc.**

23. (1) The State Government may, for the purpose of ascertaining the standard of teaching, examination and research or any matter relating to the University, cause an assessment to be made in such manner as may be prescribed by the rules.

(2) The State Government shall communicate its recommendations to the University on the basis of such assessments for corrective actions. The University shall adopt such corrective measures and comply with the recommendations.

(3) The State Government may give directions as it may deem fit if the University fails to comply with the recommendations made under sub-section (2) above within reasonable time. The directions given by the State Government shall be immediately complied by the University.

24. (1) The State Government shall have powers to issue directions from time to time as may be required for compliance of the provisions of this Act and the regulations.

(2) If the State Government has strong grounds to believe that the teaching standards, examinations, research or administration has deteriorated substantially and is not of acceptable level, it may cause an assessment of the same by a committee of independent professional experts in the area. The State Government shall communicate the finding of the committee and direct the University to take corrective measures as per the recommendations in the best interest of the academic work and standards. If the University is in gross violations of certain accepted academic standards of educational institutions, the State Government shall give directions for compliance within reasonable time.

(3) If the State Government has serious grounds or prima facie case to believe that the University has contravened any of the vital provisions of this Act, regulations, statutes or the rules or there is a situation of financial mismanagement or gross mal-administration in the University management, the State Government shall issue a notice directing to give reply within forty-five days' as to why an inquiry should not be ordered and administrator should not be appointed for taking over the administration of University. If the University's reply to the notice is not satisfactory, the State Government may order an inquiry as may be considered necessary.

**Power of State
Government, to
give directions,
order
assessments,
order inquiry,
appoint
Administrator
and dissolve
University
under
exceptional
circumstances.**

V of 1908. (4) The inquiry officer or officers or committee such appointed by the Government shall have the same powers as vested in a civil court under the Code of Civil Procedure, 1908 in the matters such as summoning persons for evidence, production of documents and records from any office, etc.

(5) The report of the inquiry shall be given to the University authorities and they shall be given due opportunity to present their case before the Government. On hearing the University's side and the corrective steps proposed by the University, still if the State Government is not convinced of the genuine bonafides of the University administration and the State Government comes to the conclusion that continuation of the existing University administration will gravely harm the interest of the students, staff or future objectives of the University, or there is gross financial mismanagement and serious mal-administration, the Government may appoint an Administrator to manage the affairs of the University.

(6) The Administrator appointed under sub-section (5) by the State Government shall exercise all the powers and perform all the functions or duties of the Governing Council and other administrative bodies and officers of the University. The Administrator shall administer the affairs of the University until the last batch of the students admitted have taken their examinations and are awarded degrees and diplomas as well as committed and continuing research work which cannot be stopped in the middle is completed.

(7) After such degrees and diplomas are awarded and research work is finished, the Administrator shall give detailed report to the State Government as to whether the University should be closed or not.

(8) On receipt of the report under sub-section (7), the State Government shall dissolve the University or make alternate arrangements to manage the affairs of the University. If the University is dissolved, all the assets and liabilities of the University shall stand transferred to the sponsoring body.

Acts and
proceedings
not to be
invalidated
by
vacancies.

25. No act or proceeding of the Governing Council or any authority of the University or any committee constituted under this Act or by the regulations shall be invalidated on the ground merely by reason of,-

- (i) any vacancy in its membership or any defect in the constitution thereof, or
- (ii) any irregularities in its procedure not affecting merits of the case.

Protection of
action taken
in good faith.

26. No suit or other legal proceedings shall be entertained against the University or no damages or compensation shall be claimed from the University, the President, the Director, the authorities or other officers of the University or any other person in respect of anything which is done in

good faith or purporting to be done in pursuance of this Act or regulations made thereunder.

Power of
State
Government
to remove
difficulties.

27. If any difficulty arising in giving the effect to the provisions of this Act, the State Government may, by order published in the *Official Gazette*, make such provisions not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty:

Provided that no such order shall be made after the expiry of the period of three years from the commencement of this Act.

Filling up
of casual
vacancies.

28. Save as otherwise provided in this Act, when any vacancy occurs of a member (other than an *ex-officio* member) of any authority or other body of the University before the expiry of the term of office of such member, the vacancy shall be filled up, as soon as may be possible, by nomination, appointment or, as the case may be, co-option of a member who shall hold office so long only as the member in whose place he has been nominated, appointed or co-opted, would have held it, if the vacancy had not occurred.

CHAPTER VII REGULATIONS AND STATUTES OF UNIVERSITY

29. (1) Subject to the provisions of this Act, the Executive Council shall have, in addition to all other powers vested in it, the power to make regulations to provide for the administration and management of the affairs of the University. These regulations shall be ratified by the Governing Council of the University.

Power to
make
regulations.

(2) In particular and without prejudice to the generality of the foregoing powers, such regulations may provide for all or any of the following matters, namely:-

- (i) powers and functions to be exercised and discharged by the Chairperson of the Executive Council and the President;
- (ii) constitution, powers and functions or duties of the authorities, bodies and other committees of the University established under this Act, the qualifications and disqualifications for membership of such authorities, term of office of the membership, appointment and removal of members thereof and other matters connected therewith;
- (iii) degrees, diplomas, certificates and other academic distinctions and titles which may be conferred or granted by the University and withdrawal or cancellation of any such degrees, diplomas, certificates and other academic distinctions and titles and the requirements thereof;

- (iv) academic programmes, collaboration with other Universities and collaborative programmes, setting up centres and campuses within and without the country, distance education, research, consultancy, training and continuing education;
- (v) creation of posts of Professors, Emeritus Professors, Distinguished Professors, Adjunct Professors, Visiting Professors, Associate Professors, Assistant Professors, Readers, Lecturers or equivalent academic designations or posts, officers and employees of the University, and the appointment of persons to such posts including the qualifications requisite therefore;
- (vi) fees and other charges which may be paid to the University for the courses, training, facilities and services provided by it;
- (vii) preparation of budget estimates and maintenance of accounts;
- (viii) terms and conditions applicable for association of the University with other institutions;
- (ix) powers, functions or duties of the Director, Deans and other officers, teachers and employees of the University;
- (x) matters relating to hostels including disciplinary control therein;
- (xi) constitution of pension and provident fund;
- (xii) accept donations and funds in cash or kind, movable and immovable properties and assets for the university from various sources;
- (xiii) all matters which, by this Act are to be or may be prescribed by the regulations.

(3) The regulations made under this section shall be communicated to the State Government for its information and suggestions.

Statutes. 30. (1) Subject to the provisions of this Act or the rules made thereunder, statutes of the University shall provide for all or any of the following matters, namely:-

- (i) accounting policy and financial procedure;
- (ii) representation of teachers in the authorities of the University;
- (iii) creation of new departments and abolition or restructuring of existing department;
- (iv) institution of medals and prizes;
- (v) procedure for creation and abolition of posts;
- (vi) procedure of revision of fees;
- (vii) alteration of number of seats in different disciplines;

- (viii) all other matters which by or under the provision of this Act required to be prescribed by the statutes;
- (ix) the admission of students to the University and their enrolment as such;
- (x) the courses of study to be laid down for degrees, diplomas and certification of the University;
- (xi) the award of degrees, diplomas, certificates and other academic distinctions, the minimum qualifications for the same;
- (xii) the conditions for award of fellowships, scholarships, stipends, medals and prizes;
- (xiii) the conduct of examinations, including the terms of office and manner of appointments and the duties of examining bodies, examiners and moderators;
- (xiv) fees to be charged for the various courses, examinations, degrees or diplomas of the University;
- (xv) the conditions of residence of the students of the University;
- (xvi) provisions regarding disciplinary action against the students;
- (xvii) the creation, composition and functions of any other body which is considered necessary for improving the academic life of the University;
- (xviii) the manner of co-operation and collaboration with other Universities and institutions of higher education;
- (xix) such other matters which are required to be provided by the statutes by or under this Act.

(2) The statutes of the University other than the first statute shall be made by the Executive Council with approval of the Governing Council.

(3) The statutes made under sub-section (2) above shall be submitted to the State Government and it may approve or, if considers necessary, give suggestions for modifications within two months from the date of receipt.

(4) The Governing Council shall consider the modifications suggested by the State Government and return the statutes to it with its agreement to such changes or with its comments on the suggestions made by the State Government.

(5) The State Government shall consider the comments of the Governing Council and may approve the statutes with or without modifications and it shall be published by it in the *Official Gazette*, and shall come into force from the date of such publication.

31. (1) The first Statutes of the University shall be made by the Governing Council and shall be submitted to the State Government for its approval. **First Statutes.**

(2) The State Government shall consider the first statutes, submitted by the University and shall approve it within two months from the date of receipt with or without modifications as may be necessary.

(3) The University shall communicate its agreements to the first statutes as approved by the State Government, and if it desires not to give effect to any or all of the modifications made by the State Government, it may give reasons therefore and after considering such reasons, the State Government may or may not accept the suggestions made by the University.

(4) The State Government shall publish the first statutes as finally approved by it, in the *Official Gazette* and thereafter it shall come into force from the date of such publication.

32. The admission in colleges or institutions of the University shall be governed under the provisions of 'the Gujarat Professional Technical Educational Colleges or Institutions (Regulations of Admission and Fixation of Fees) Act, 2007 and the Gujarat Professional Medical Educational Colleges or Institutions (Regulations of Admission and Fixation of Fees) Act, 2007.

Admission.

Guj.2 of 2008.

Guj.3 of 2008.

CHAPTER VIII RULES

Power to
make rules.

33. (1) The State Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act.

(2) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as may be after they are made and shall be subject to rescission by the State Legislature or to such modification as the State Legislature may make during the session in which they are so laid or the session immediately following.

CHAPTER IX TRANSITORY PROVISIONS

Appointment
of First
President.

34. Notwithstanding anything contained in the section 8, the person who holds the post of Chairperson of the Governing Council of the Indian Institute of Public Health Gandhinagar immediately before the commencement of this Act, shall be the first President of the University.

Transitory
provisions for
First
Authorities
and Officers of
University.

35. (1) Notwithstanding anything contained in this Act, -

(i) the Governing Council of the Indian Institute of Public Health Gandhinagar, functioning immediately before the date of the commencement of this Act, shall be deemed to be the first

Governing Council of the University constituted under this Act for a period not exceeding three years or until such Council is constituted under this Act whichever is earlier.

- (ii) The Executive Committee of the Indian Institute of Public Health Gandhinagar, functioning immediately before the commencement of this Act, shall be deemed to be the first Executive Council of the University constituted under this Act for a period not exceeding three years or until such Council is constituted under this Act, whichever is earlier.
- (iii) The Academic Council of the Indian Institute of Public Health Gandhinagar, functioning immediately before the commencement of this Act, shall be deemed to be the first Academic and Research Council of the University constituted under this Act for a period not exceeding three years or until such Council is constituted under this Act, or until such Council is constituted under this Act, whichever is earlier.
- (iv) The Finance Committee of the Indian Institute of Public Health Gandhinagar, functioning immediately before the commencement of this Act, shall be deemed to be the first Finance Committee of the University constituted under this Act for a period not exceeding three years or until such Council is constituted under this Act, whichever is earlier.
- (v) The person who holds the post of Director of Indian Institute of Public Health Gandhinagar immediately before the commencement of this Act, shall be the first Director of the University for a period not exceeding three years.
- (vi) The person who holds the post of the Registrar of the Indian Institute of Public Health Gandhinagar immediately before the commencement of this Act, shall be the first Registrar of the University for a period not exceeding three years.
- (vii) Other officials and Faculty of the Indian Institute of Public Health Gandhinagar, functioning immediately before the commencement of this Act, shall be deemed to be the officials and Faculty of the University and shall function as such until the appointments are made against the respective posts.
- (viii) The existing regulations of the Indian Institute of Public Health Gandhinagar, in so far as they are not inconsistent with the provisions of this Act, shall apply to the University until new regulations are made under this Act.

- (ix) The existing employees of the Indian Institute of Public Health Gandhinagar, and the Faculty appointed by the Public Health Foundation of India for the Indian Institute of Public Health, Gandhinagar, shall be the employees and the Faculty of the University subject to eligibility criteria and approval of the Executive Council.

STATEMENT OF OBJECTS AND REASONS

The importance of the subject of public health can hardly be over emphasised. Public health is the study for protecting health of the people. Public health relates to preventing of deceases, controlling of epidemics and promoting health and welfare of the society. Public health becomes very important to save lives in natural disasters such as floods, cyclones and earthquakes. All the developed countries have hundred years old institutions and Universities offering training and education in public health. The country for its rapid economic growth and welfare of the society needs to improve public health services at the earliest. For this, well-trained, educated and multi-disciplinary work force is needed.

At present, the Indian Institute of Public Health Gandhinagar, a society registered under the Societies Registration Act, 1860, is already offering post-graduate diploma in public health since last six years which is supported by the National Health Mission, Government of India. The State Government has considered it necessary to give the said institution the status of the University so that the post-graduate diploma in public health offered by the Institute at present and the future degree courses as also the other courses that may be offered by the University have the legal sanctity.

The proposed University will develop innovative and high quality courses for training young people in public health and allied disciplines and this will be the first such public health University in the country.

This Bill seeks to achieve the aforesaid objects.

The following notes on clauses explain, in brief, some of the important provisions of the Bill: -

Clause 1.- This clause provides for short title and commencement.

Clause 2.- This clause defines certain terms used in the Bill.

Clauses 3 and 4.- These clauses provide for the establishment, incorporation, headquarters and objects of the University.

Clause 6.- This clause provides for the powers and functions of the University.

Clauses 7 to 10.- These clauses provide for the appointment of certain officers of the University.

Clause 11.- This clause provides for the authorities of the University.

Clause 12.- This clause provides for the constitution of Governing Council.

Clauses 13 to 15.- These clauses provide for the constitution and powers and functions of the Executive Council and also provides for the term of office and filling up of vacancies occurred in the Executive Council.

Clause 16.- This clause provides for the constitution of Academic and Research Council and its powers and functions.

Clause 17.- This clause provides for the constitution of Finance Committee and its powers and functions.

Clause 18.- This clause provides for the University Fund.

Clauses 19 and 20.- These clauses provide for the of maintenance of annual accounts and audit and preparation annual financial report, etc.

Clause 21.- This clause provides that dismissal, removal, reduction and termination of the service of the staff of University shall not be made except after an inquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of charges.

Clause 22.- This clause provides for the returns and information to be furnished by the University to the State Government, University Grants Commission and other statutory authorities.

Clause 23.- This clause provides that the assessment for ascertaining the standard of teaching shall be made by the State Government.

Clause 24.- This clause provides for the powers of the State Government to order assessments, issue directions, order inquiry, appoint administrator and dissolve University in certain circumstances.

Clause 25.- This clause provides that no act or proceeding of the Governing Council or any authority of the University or any committee shall be invalidated on the ground merely by reason of any vacancy in its membership or any irregularities in its procedure.

Clause 26.- This clause provides for usual indemnity for acts done in good faith.

Clause 27.- This clause empowers the State Government to remove difficulties arising in giving effect to the provisions of the Act, within three years from the commencement of this Act.

Clause 29.- This clause empowers the University to make regulations for enabling it to perform the functions under the Act.

Clauses 30 to 31.- These clauses provide for the Statutes and First Statutes to be made by the University.

Clause 32.- This clause provides that the admissions in colleges or institutions of the University shall be governed in accordance with the provisions of the Gujarat Professional Technical Educational Colleges or Institutions (Regulations of Admission and Fixation of Fees) Act, 2007 and the Gujarat Professional Medical Educational Colleges or Institutions (Regulations of Admission and Fixation of Fees) Act, 2007.

Clause 33.- This clause empowers the State Government to make rules for carrying out the purposes of the Act.

Clauses 34 to 35.- These clauses provide for the transitory provisions relating to the First President, First authorities and First officers of the University.

NITIN PATEL,

FINANCIAL MEMORANDUM

Sub-clause (2) (iii) of clause 18 of the Bill contemplates the payment of contribution or the grants to the University among others by the State Government. The State Government has provided fifty acres of Government land, free of all encumbrances and free of cost for establishing the University. The State Government has also committed to provide twenty-five per cent. of the total cost of establishing the University, subject to a maximum ceiling of rupees twenty-five crores. The State Government has already paid rupees twelve crores to the University for the said purpose and the amount of rupees thirteen crores still remains to be paid to the University. Except this, there is no liability on the part of the State Government to pay any amount of recurring nature.

NITIN PATEL,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill provide for delegation of legislative powers in the following respects:-

Clause 1.- Sub-clause (2) of this clause empowers the State Government to appoint by notification in the *Official Gazette*, the date on which the Act shall come into force.

Clause 6.- (i) sub-clause (iii) of this clause empowers the Executive Council to prescribe by regulations, the manner in which the degrees, diplomas certificate or other academic distinctions shall be withdrawn by the University;

(ii) sub-clause (iv) empowers the Executive Council to prescribe by regulations, the manner in which the University shall confer the honorary degrees or other academic distinctions and withdraw them;

(iii) sub-clause (ix) empowers the Executive Council to prescribe by regulations, the qualifications for admission to the courses offered by the University;

(iv) sub-clause (xiii) empowers the Executive Council to prescribe by regulations, the discipline measures for the other officers and employees of the University;

(v) sub-clause (xviii) of this clause empowers the Executive Council to prescribe by regulations, the manner in which the University funds shall be invested.

Clause 7.- Sub-clause (iv) of this clause empowers the Executive Council to declare by regulations, such other persons to be the officers of the University.

Clause 8.—(i) Sub-clause (2) of this clause empowers the Executive Council to prescribe by regulations, the procedure and terms and conditions on which the sponsoring body shall appoint the President of the University;

(ii) Sub-clause (5) of this clause empowers the Executive Council to prescribe by regulations, the other powers and duties of the President of the University.

Clause 9.—(i) para (v) of sub-clause (3) of this clause empowers the Executive Council to prescribe by regulations, the other powers and duties of the Director of the University;

(ii) sub-clause (6) of this clause empowers the Executive Council to prescribe by regulations, the emoluments and the terms and conditions of service of the Director of the University.

Clause 10.—(i) sub-clause (1) of this clause empowers the Executive Council to prescribe by regulations, the manner in which and the terms and conditions subject to which the Registrar of the University shall be appointed;

(ii) para (iii) of sub-clause (2) of this clause empowers the Executive Council to prescribe by regulations, the other powers and duties of the Registrar.

Clause 11.— Sub-clause (v) of this clause empowers the Executive Council to prescribe by regulations, such other authorities of the University.

Clause 12.— para (v) of sub-clause (5) of this clause empowers the Executive Council to prescribe by regulations, such other powers of the Governing Council.

Clause 14.— (i) para (iii) of sub-clause (3) of this clause empowers the Executive Council to make regulations for carrying out the purposes of the Act;

(ii) para (x) of sub-clause (3) of this clause empowers the Executive Council to prescribe by regulations, the other powers and the other duties which may be imposed or conferred upon the Executive Council, to achieve the objects of the University.

Clause 16.— para (x) of sub-clause (3) of this clause empowers the Executive Council to prescribe by regulations, the other powers and other duties which may be conferred or imposed upon the Academic Council.

Clause 17.— para (viii) of sub-clause (3) of this clause empowers the Executive Council to prescribe by regulations, the other powers and other functions of the Finance Committee.

Clause 18.— Sub-clause (4) of this clause empowers the Executive Council to prescribe by regulations, the manner in which expenses shall be incurred by the University.

Clause 19.- (i) Sub-clause (1) of this clause empowers the Executive Council to prescribe by regulations, the manner and the form in which the accounts, other relevant records, annual statement of accounts, the income and expenditure statement and balance sheet shall be maintained;

(ii) Sub-clause (4) of this clause empowers the Executive Council to prescribe by regulations, the proper system of internal check and balance sheet and control in respect of finance, accounts and audit.

Clause 20.- Sub-clause (1) of this clause empowers the Executive Council to prescribe by regulations, the particulars of the annual report and the date by which the said report of the University shall be submitted to the Governing Council.

Clause 23.- Sub-clause (1) of this clause empowers the State Government to prescribe by rules, the manner relating to ascertaining the standard of teaching, examination and research and assessment.

Clause 27.- This clause empowers the State Government to make by an order published in the *Official Gazette*, such provisions not inconsistent with the provisions of the Act, to remove any difficulty arising within the period of three years, as appear to be necessary or expedient for removing the difficulty.

Clause 29.- Sub-clause (1) of this clause empowers the Executive Council to prescribe regulations, for administration and management of affairs of the University; and sub-clause (2) empowers to make regulations for all or any of the matters specified therein.

Clause 33.- Sub-clause (1) of this clause empowers the State Government to make rules for carrying out the purposes of the Act.

The delegation of legislative powers as aforesaid are necessary and are of a normal character.

Dated the 16th February, 2015.

NITIN PATEL.

By order and in the name of the Governor of Gujarat,

Gandhinagar,
Dated the 16th February, 2015

C. J. GOTH,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.



सत्यमेव जयते

વાર્ષિક લવાજમનો દર રૂ. ૩૫૦૦/-

The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. LVI]

MONDAY, FEBRUARY 18, 2015/MAGHA 29, 1936

Separate paging is given to this Part in order that it may be filed as a Separate Compilation

PART - V

Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso for rule 127A of the Gujarat Legislative Assembly Rules:-

THE LABOUR LAWS (GUJARAT AMENDMENT) BILL, 2015.

GUJARAT BILL NO. 5 OF 2015.

A BILL

*further to amend certain labour laws in its application
to the State of Gujarat.*

It is hereby enacted in the Sixty-sixth Year of the Republic of India as follows:-

1. (1) This Act may be called the Labour Laws (Gujarat Amendment) Act, 2015.

Short title and
commencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

8 of 1923.

2. In the Employee's Compensation Act, 1923, in section 22, to sub-section (1A), the following proviso shall be added, namely:-

Amendment of
section 22 of 8
of 1923.

“Provided that if an application by an employee or by dependent or dependents for compensation is not made before the Commissioner within a period of ninety days from the date of the occurrence of the accident, then such application may be filed by an officer authorised by the State Government in this behalf for the purpose of compensation to be paid to such employee or dependent or dependents.”.

- Amendment of section 2 of 14 of 1947.** 3. In the Industrial Disputes Act, 1947 (hereinafter referred to as "the Industrial Disputes Act"), in section 2, in clause (n), for the existing proviso to sub-clause (vi), the following proviso shall be substituted, namely:-
- 14 of 1947.
- "Provided that the period so specified shall not, in the first instance, exceed one year but may, by a like notification, be extended from time to time, by any period not exceeding two years, at any one time, if in the opinion of the appropriate Government, public emergency or public interest requires such extension;"
- Amendment of section 2A of 14 of 1947.** 4. In the Industrial Disputes Act, in section 2A, in sub-section (3), for the words "three years", the words "one year" shall be substituted.
- Amendment of section 25V of 14 of 1947.** 5. In the Industrial Disputes Act, in section 25V,-
- (1) for sub-section (2), the following sub-section shall be substituted, namely:-
- "(2) The provisions of this Chapter shall apply to the following, namely:-
- (i) an industrial establishment set up in the Special Economic Zone declared as such by the Government of India;
- (ii) an industrial establishment set up in the Special Investment Region declared as such by the Government of Gujarat;
- (iii) an industrial establishment set up in the National Investment and Manufacturing Zone declared as such by the Government of India;
- (iv) hundred per cent. export oriented industrial establishment."
- (2) in the marginal note, after the words "Economic Zone", the words "and others" shall be added.
- Amendment of section 25ZA of 14 of 1947.** 6. In the Industrial Disputes Act, in section 25ZA,-
- (1) in sub-section (1), in clause (b), for the words "forty-five days", the words "sixty days" shall be substituted;
- (2) in sub-section (2), for the words "forty-five days", the words "sixty days" shall be substituted.
- Amendment of section 31 of 14 of 1947.** 7. In the Industrial Disputes Act, in Chapter VI, in section 31, in sub-section (2), for the words "one hundred rupees", the words "twenty-one thousand rupees" shall be substituted.
- Insertion of new section 31A in 14 of 1947.** 8. In the Industrial Disputes Act, in Chapter VI, after section 31, the following section shall be inserted, namely:-
- Compounding of offences.** "31A. (1) Any offence punishable under section 25Q, 25R, 25U, 26, 27, 28, 29, 30A and sub-sections (1) and (2) of section 31 may, either

before or after the institution of the prosecution, on an application by the alleged offender, be compounded by such officer or authority as the State Government may, by notification in the *Official Gazette*, specify in this behalf for such amount as specified in the Table below:-

TABLE

| Sr. No. | Section | Compounding amount | | | |
|---------|-----------|---|-------------------|----------------------|-------------------|
| 1 | 2 | 3 | | | |
| 1. | 25Q | 25 days wages last drawn by each workman. | | | |
| 2. | 25R | 60 days wages last drawn by each workman. | | | |
| 3. | 25U | (i) By each workman ₹ 150/- per day but not exceeding ₹ 3000/- in aggregate; (ii) By employer ₹ 300/- per day but not exceeding the amount in aggregate as shown below : | | | |
| | | Number of workmen employed in the industry | | Amount not exceeding | |
| | | 1 to 50 | | ₹ 7,000/- | |
| | | 51 to 100 | | ₹ 10,000/- | |
| | | 101 to 500 | | ₹ 15,000/- | |
| | | More than 500 | | ₹ 20,000/- | |
| 4. | 26 | (i) In case of illegal strike, ₹ 150/- per day by each workman but not exceeding ₹ 3000/- in aggregate; (ii) In case of illegal lock-out ₹ 300/- per day by an employer but not exceeding the amount in aggregate as shown below : | | | |
| | | Number of workmen employed in the industry | | Amount not exceeding | |
| | | 1 to 50 | | ₹ 7,000/- | |
| | | 51 to 100 | | ₹ 10,000/- | |
| | | 101 to 500 | | ₹ 15,000/- | |
| | | More than 500 | | ₹ 20,000/- | |
| 5. | 27 and 28 | As per section 26 above for illegal strike and lockout. | | | |
| 6. | 29 | ₹ 200/- per day in respect of each of the workman. | | | |
| 7. | 30A | 25 days wages last drawn by each workman. | | | |
| 8. | 31(1) | Number of workmen employed in the industry | For first offence | For second offence | For third offence |
| | | 1 to 50 | ₹ 10,000/- | ₹ 15,000/- | ₹ 20,000/- |
| | | 51 to 100 | ₹ 15,000/- | ₹ 20,000/- | ₹ 25,000/- |
| | | 101 to 500 | ₹ 20,000/- | ₹ 25,000/- | ₹ 30,000/- |
| | | more than 500 | ₹ 30,000/- | ₹ 35,000/- | ₹ 40,000/- |
| 9. | 31(2) | (i) For each workman, for the first offence ₹ 1000/-, for the second offence ₹ 2000/- and for the third offence ₹ 3000/- | | | |

| | | (ii) For Employer: | | | |
|--|--|--|-------------------|--------------------|-------------------|
| | | Number of workmen employed in the industry | For first offence | For second offence | For third offence |
| | | 1 to 50 | ₹ 1500 | ₹ 3000 | ₹ 6000 |
| | | 51 to 100 | ₹ 3000 | ₹ 6000 | ₹ 10000 |
| | | 101 to 500 | ₹ 4000 | ₹ 8000 | ₹ 15000 |
| | | more than 500 | ₹ 5000 | ₹ 10000 | ₹ 20000 |

Provided that the State Government may, by notification in the *Official Gazette*, amend the compounding amount specified in the Table above:

Provided further that the offence committed of the same nature wherever applicable shall be compoundable only for the first three offences:

Provided also that such offences shall be compounded only after the alleged offender has acted to the satisfaction of such officer or authority that such offence is not continued any further:

Provided also that when an offence is compounded on an application by the employer, then the compounding amount received from him, shall be paid to the concerned workman or equally amongst the workmen and if any workmen are not identifiable, then the remaining amount shall be deposited in the Gujarat State Social Security Board constituted under the Unorganised Workers' Social Security Act, 2008.

33 of 2008.

(2) Where an offence has been compounded under sub-section (1), no further proceedings shall be taken against the offender in respect of such offence and the offender, if in custody, shall be discharged. ”.

Amendment of Fourth Schedule to 14 of 1947.

9. In the Industrial Disputes Act, in the Fourth Schedule, entries at serial No. 6 and 11 shall be deleted.

Amendment of section 2 of 11 of 1948.

10. In the Minimum Wages Act, 1948 (hereinafter referred to as “the Minimum Wages Act”), in section 2, in clause (e), -

11 of 1948.

- (i) after the words “or through another person”, the words “including outsourcing agency” shall be inserted;
- (ii) after sub-clause (iv), the following explanation shall be added, namely:-

“*Explanation.*- For the purposes of this clause, “outsourcing agency” means an agency which by a contractual agreement or otherwise, provides services or supplies employees.”.

11. In the Minimum Wages Act, in section 11, to sub-section (1), the following proviso shall be added, namely:-

Amendment
of section 11
of 11 of 1948.

63 of 1948.
Bom. LXXIX of
1948.

“Provided that every establishment registered under the Factories Act, 1948 and every establishment registered under the Gujarat Shops and Establishments Act, 1948, wherein not less than twenty employees are engaged, shall pay the minimum wages only through cheque or by depositing the same in any Bank.”.

12. In the Minimum Wages Act, after section 18, the following section shall be inserted, namely:-

Insertion of
new section
18A in 11 of
1948.

Obligation of
Employer.

“18A. (1) Every employer in such class of employment as may be notified by the State Government, taking into consideration the number of employees employed by him, shall get himself enrolled under the Self Certification cum Consolidated Annual Return Scheme as may be prescribed.

(2) The State Government shall prescribe the audit and assessment norms for compliance of labour laws and labour standards.

(3) The incentives to the employer for compliance of labour laws and labour standards shall be, subject to the outcome of audit and assessment, as may be prescribed.

(4) Any employer who complies with the provision of sub-section (2) shall be eligible for exemption from the inspections as provided under the Act.”.

13. In the Minimum Wages Act, in section 22A, for the words “five hundred rupees”, the words “twenty-one thousand rupees” shall be substituted.

Amendment
of section 22A
of 11 of 1948.

14. In the Minimum Wages Act, after section 22C, the following section shall be inserted, namely:-

Insertion of
new section
22CC in 11 of
1948.

Compounding
of offences.

“22CC. (1) Any offence punishable under section 22A may, either before or after the institution of the prosecution, on an application by the alleged offender, be compounded by such officer or authority as the State Government may, by notification in the *Official Gazette*, specify in this behalf for such amount as specified in the Table below.

TABLE

| Section | Compounding amount | | | |
|---------|--|-------------------|--------------------|-------------------|
| 2 | 3 | | | |
| 22A | Number of employees employed in the industry | For first offence | For second offence | For third offence |
| | 1 to 50 | ₹ 1500 | ₹ 3000 | ₹ 6000 |
| | 51 to 100 | ₹ 3000 | ₹ 6000 | ₹ 10000 |
| | 101 to 500 | ₹ 4000 | ₹ 8000 | ₹ 15000 |
| | more than 500 | ₹ 5000 | ₹ 10000 | ₹ 20000 |

Provided that the State Government may, by notification in the *Official Gazette*, amend the compounding amount specified in the Table above:

Provided further that the offence committed of the same nature shall be compoundable only for the first three offences:

Provided also that such offences shall be compounded only after the alleged offender has acted to the satisfaction of such officer or authority that such offence is not continued any further:

Provided also that when an offence is compounded on an application by the employer, then seventy-five per cent. of the compounding amount received from him, shall be paid to the concerned employee or equally amongst the employees and if any employees are not identifiable, then the remaining amount shall be deposited in the Gujarat State Social Security Board constituted under the Unorganised Workers' Social Security Act, 2008. 33 of 2008.

(2) Where an offence has been compounded under sub-section (1), no further proceedings shall be taken against the offender in respect of such offence."

Insertion of new section 111AA in 63 of 1948.

15. In the Factories Act, 1948, after section 111, the following section shall be inserted, namely:- 63 of 1948.

Obligation of Occupier.

"111AA. (1) Every occupier in such class of factories as may be notified by the State Government, taking into consideration the number of employees employed by him or the nature of the manufacturing process, shall get himself enrolled under the Self Certification cum Consolidated Annual Return Scheme as may be prescribed.

(2) The State Government shall prescribe the audit and assessment norms, for compliance of labour laws and labour standards.

(3) The incentives to the occupier for compliance of labour laws and labour standards shall be, subject to the outcome of audit and assessment, as may be prescribed.

(4) Any occupier who complies with the provision of sub-section (2) shall be eligible for exemption from the inspections as provided under the Act.”.

27 of 1961. 16. In the Motor Transport Workers Act, 1961, after section 34, the following section shall be inserted, namely:-

Insertion of
new section
34A in 27 of
1961.

Compounding
of offences.

“34A. (1) Any offence punishable under sub-section (1) of section 29, section 31 and section 32 may, either before or after the institution of the prosecution, on an application by the alleged offender, be compounded by such officer or authority as the State Government may, by notification in the *Official Gazette*, specify in this behalf for the amount of rupees five thousand:

Provided that the State Government may, by notification in the *Official Gazette*, amend the compounding amount specified above:

Provided further that the offence committed of the same nature shall be compoundable only for the first three offences:

Provided also that such offences shall be compounded only after the alleged offender has acted to the satisfaction of such officer or authority that such offence is not continued any further:

Provided also that when an offence is compounded on an application by the employer, then seventy-five per cent. of the compounding amount received from him, shall be paid wherever it is feasible to the concerned worker or equally amongst the workers and if any workmen are not identifiable then the remaining amount shall be deposited in the Gujarat State Social Security Board constituted under the Unorganised Workers' Social Security Act, 2008.

33 of 2008.

(2) Where an offence has been compounded under sub-section (1), no further proceedings shall be taken against the offender in respect of such offence and the offender, if in custody, shall be discharged.”.

21 of 1965. 17. In the Payment of Bonus Act, 1965 (hereinafter referred to as “the Payment of Bonus Act”), after section 26, the following section shall be inserted, namely:-

Insertion of
new section
26A in 21 of
1965.

Obligation of
Employer.

“26A. (1) Every employer in such class of establishments as may be notified by the State Government, taking into consideration the number

of employees employed by him, shall get himself enrolled under the Self Certification cum Consolidated Annual Return Scheme as may be prescribed.

(2) The State Government shall prescribe the audit and assessment norms, for compliance of labour laws and labour standards.

(3) The incentives to the employer for compliance of labour laws and labour standards shall be, subject to the outcome of audit and assessment, as may be prescribed.

(4) Any employer who complies with the provision of sub-section (2) shall be eligible for exemption from the inspections as provided under the Act.”.

Insertion of
new section
29A in 21 of
1965.

18. In the Payment of Bonus Act, after section 29, the following section shall be inserted, namely:-

Compounding
of offences.

“29A. (1) Any offence punishable under this Act or the rules made thereunder may, either before or after the institution of the prosecution, on an application by the alleged offender, be compounded by such officer or authority as the State Government may, by notification in the *Official Gazette*, specify in this behalf for such amount as specified in the Table below:

TABLE

| Compounding amount | | | |
|---|-------------------|--------------------|-------------------|
| 2 | | | |
| Number of employees employed in the establishment | For first offence | For second offence | For third offence |
| 1 to 50 | ₹ 1500 | ₹ 3000 | ₹ 6000 |
| 51 to 100 | ₹ 3000 | ₹ 6000 | ₹ 10000 |
| 101 to 500 | ₹ 4000 | ₹ 8000 | ₹ 15000 |
| more than 500 | ₹ 5000 | ₹ 10000 | ₹ 20000 |

Provided that the State Government may, by notification in the *Official Gazette*, amend the compounding amount specified in the Table above:

Provided further that the offence committed of the same nature shall be compoundable only for the first three offences:

Provided also that such offences shall be compounded only after the alleged offender has acted to the satisfaction of such officer or authority that such offence is not continued any further:

Provided also that when an offence is compounded on an application by the employer, then seventy-five per cent. of the compounding amount received from him, shall be paid to the concerned employee or equally amongst the employees and if any employees are not identifiable, then the remaining amount shall be deposited in the Gujarat State Social Security Board constituted under the Unorganised Workers' Social Security Act, 2008.

33 of 2008.

(2) Where an offence has been compounded under sub-section (1), no further proceedings shall be taken against the offender in respect of such offence and the offender, if in custody, shall be discharged.”.

32 of 1966.

19. In the Beedi and Cigar Workers (Conditions of Employment) Act, 1966, after section 33, the following section shall be inserted, namely:-

Insertion of
new section
33A in 32 of
1966.

Compounding of
offences.

“33A. (1) Any offence punishable for second or any subsequent offence under sub-section (1) of section 33 may, either before or after the institution of the prosecution, on an application by the alleged offender, be compounded by such officer or authority as the State Government may, by notification in the *Official Gazette*, specify in this behalf, for the amount of rupees five thousand:

Provided that the State Government may, by notification in the *Official Gazette*, amend the compounding amount specified above:

Provided further that the offence committed of the same nature shall be compoundable only for the first three offences:

Provided also that such offences shall be compounded only after the alleged offender has acted to the satisfaction of such officer or authority that such offence is not continued any further:

Provided further that when an offence is compounded on an application by the employer, then seventy-five per cent. of the compounding amount received from him, shall be paid to the concerned employee or equally amongst the employees and if any employees are not identifiable, then the remaining amount shall be deposited in the Gujarat State Social Security Board constituted under the Unorganised Workers' Social Security Act, 2008.

33 of 2008.

(2) Where an offence has been compounded under sub-section (1), no further proceedings shall be taken against the offender in respect of such offence and the offender, if in custody, shall be discharged.”.

37 of 1970.

20. In the Contract Labour (Regulation and Abolition) Act, 1970, (hereinafter referred to as “the Contract Labour Act”), after section 25, the following section shall be inserted, namely:-

Insertion of
new section
25A in 37 of
1970.

**Compounding
of offences.**

“25A. (1) Any offence punishable under sub-sections (1) and (2) of section 22 and section 24 may, either before or after the institution of the prosecution, on an application by the alleged offender, be compounded by such officer or authority as the State Government may, by notification in the *Official Gazette*, specify in this behalf for such amount as specified in the Table below.

TABLE

| Sections | Compounding amount | |
|---------------------------|---|----------------------|
| 2 | 3 | |
| 22(1), 22(2) and 24 | Number of workmen employed in the establishment | Amount not exceeding |
| | 1 to 50 | ₹ 7000/- |
| | 51 to 100 | ₹ 10000/- |
| | 101 to 500 | ₹ 15000/- |
| | more than 500 | ₹ 20000/- |

Provided that the State Government may, by notification in the *Official Gazette*, amend the compounding amount specified in the Table above:

Provided further that the offence committed of the same nature shall be compoundable only for the first three offences:

Provided also that such offences shall be compounded only after the alleged offender has acted to the satisfaction of such officer or authority that such offence is not continued any further:

Provided also that when an offence is compounded on an application by the principal employer or contractor, then seventy-five per cent. of the compounding amount received from him, shall be paid to the concerned employee or equally amongst the employees and if any employees are not identifiable, then the remaining amount shall be deposited in the Gujarat State Social Security Board constituted under the Unorganised Workers' Social Security Act, 2008.

33 of 2008.

(2) Where an offence has been compounded under sub-section (1), no further proceedings shall be taken against the offender in respect of such offence and the offender, if in custody, shall be discharged.”.

**Insertion of
new section
29A in 37
of 1970.**

21. In the Contract Labour Act, after section 29, the following section shall be inserted, namely:-

Obligation of
principal
employer
and
contractor.

“29A. (1) Every principal employer or contractor in such class of establishments, as may be notified by the State Government, taking into consideration the number of employees employed by him, shall get himself enrolled under the Self Certification cum Consolidated Annual Return Scheme as may be prescribed.

(2) The State Government shall prescribe the audit and assessment norms for compliance of labour laws and labour standards.

(3) The incentives to the principal employer or contractor for compliance of labour laws and labour standards shall be, subject to the outcome of audit and assessment, as may be prescribed.

(4) Any principal employer or contractor who complies with the provision of sub-section (2) shall be eligible for exemption from the inspections as provided under the Act.”.

39 of 1972. 22. In the Payment of Gratuity Act, 1972, after section 10, the following sections shall be inserted, namely:-

Insertion of
new sections
10A and 10B
in 39 of 1972.

Compounding
of offences.

“10A. (1) Any offence punishable under sub-section (2) of section 9 in so far as the contravention of the provisions of the rules 3, 6(1), 8, and 10A(7) of the Payment of Gratuity (Gujarat) Rules, 1973 is concerned, may, either before or after the institution of the prosecution, on an application by the alleged offender, be compounded by such officer or authority as the State Government may, by notification in the *Official Gazette*, specify in this behalf for such amount as specified in the Table below:

TABLE

| Compounding amount | | | | |
|---|--------|-----------|--------|-------------|
| 2 | | | | |
| Number of employees employed in the establishment | Rule 3 | Rule 6(1) | Rule 8 | Rule 10A(7) |
| 1 to 50 | ₹ 5000 | ₹ 10000 | ₹ 2000 | ₹ 3000 |
| 51 to 100 | ₹ 5000 | ₹ 15000 | ₹ 2000 | ₹ 3000 |
| 101 to 500 | ₹ 5000 | ₹ 20000 | ₹ 2000 | ₹ 3000 |
| more than 500 | ₹ 5000 | ₹ 25000 | ₹ 2000 | ₹ 3000 |

Provided that the State Government may, by notification in the *Official Gazette*, amend the compounding amount specified in the Table above:

Provided further that the offence committed of the same nature shall be compoundable only for the first three offences:

Provided also that such offences shall be compounded only after the alleged offender has acted to the satisfaction of such officer or authority that such offence is not continued any further:

Provided also that when an offence is compounded on an application by the employer, then seventy-five per cent. of the compounding amount received from him, shall be paid to the concerned employee or equally amongst the employees and if any employees are not identifiable, then the remaining amount shall be deposited in the Gujarat State Social Security Board constituted under the Unorganised Workers' Social Security Act, 2008.

33 of 2008.

(2) Where an offence has been compounded under sub-section (1), no further proceedings shall be taken against the offender in respect of such offence and the offender, if in custody, shall be discharged.

Obligation of
Employer.

10B. (1) Every employer in such class of establishments as may be notified by the State Government, taking into consideration the number of employees employed by him, shall get himself enrolled under the Self Certification cum Consolidated Annual Return Scheme as may be prescribed.

(2) The State Government shall prescribe the audit and assessment norms for compliance of labour laws and labour standards.

(3) The incentives to the employer for compliance of labour laws and labour standards shall be, subject to the outcome of audit and assessment, as may be prescribed.

(4) Any employer who complies with the provision of sub-section (2) shall be eligible for exemption from the inspections as provided under the Act.”.

Amendment
of section 10
25 of 1976.

23. In the Equal Remuneration Act, 1976 (hereinafter referred to as “the Equal Remuneration Act”), in section 10, in sub-section (3), for the words “five hundred rupees”, the words “twenty-one thousand rupees” shall be substituted.

25 of 1976.

Insertion of
new section
11A in 25 of
1976.

24. In the Equal Remuneration Act, after section 11, the following section shall be inserted, namely:-

Compounding
of offences.

“11A. (1) Any offence punishable under section 10 may, either before or after the institution of the prosecution, on an application by the alleged offender, be compounded by such officer or authority as the State Government may, by notification in the *Official Gazette*, specify in this behalf for such amount as specified in the Table below:

TABLE

| Sr. No. | Sections | Compounding amount | | | |
|---------|-----------------|--|-------------------|--------------------|-------------------|
| 1 | 2 | 3 | | | |
| | | Number of workers employed in the Establishments or employment | For first offence | For second offence | For third offence |
| 1 | 10(1) and 10(3) | 1 to 50 | ₹ 1500 | ₹ 3000 | ₹ 6000 |
| | | 51 to 100 | ₹ 3000 | ₹ 6000 | ₹ 10000 |
| | | 101 to 500 | ₹ 4000 | ₹ 8000 | ₹ 15000 |
| | | more than 500 | ₹ 5000 | ₹ 10000 | ₹ 20000 |
| 2 | 10(2) | Difference in the remuneration paid and actually payable, for 90 days for every completed year of service of each worker . | | | |

Provided that the State Government may, by notification in the *Official Gazette*, amend the compounding amount specified in the Table above:

Provided further that the offence committed of the same nature shall be compoundable only for the first three offences:

Provided also that such offences shall be compounded only after the alleged offender has acted to the satisfaction of such officer or authority that such offence is not continued any further:

33 of 2008. Provided further that when an offence is compounded on an application by the employer, then seventy-five per cent. of the compounding amount received from him, shall be paid to the concerned worker or equally amongst the workers and if any workers are not identifiable, then the remaining amount shall be deposited in the Gujarat State Social Security Board constituted under the Unorganised Workers' Social Security Act, 2008.

(2) Where an offence has been compounded under sub-section (1), no further proceedings shall be taken against the offender in respect of such offence and the offender, if in custody, shall be discharged.”.

27 of 1996. 25. In the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996, in section 2, in sub-section (1), in clause (e), in sub-clause (ii), for the words “draws wages exceeding one thousand six hundred rupees per *mensem*”, the words “draws wages three times more than the monthly wages of the skilled labour” shall be substituted.

Amendment of section 2 of 27 of 1996.

33 of 2008. 26. In the Unorganised Workers' Social Security Act, 2008, in Schedule II, entry at serial No. 2 shall be deleted.

Amendment of Schedule II of 33 of 2008.

STATEMENT OF OBJECTS AND REASONS

Since its inception, Gujarat has been an industrially progressive State. However, in the last decade, it has become an industrial hub and growth engine of the country. There have been cordial relations between the industry and the workers and there have been hardly any occasions of strikes or lock-outs. More and more industries are being established in Gujarat and therefore, the State Government has considered it necessary to strike the balance of interests between the industries and the workers and create an environment which is conducive to both, the industry and the workers. Industry and labour are both integral parts which ought to have relationship of professionalism, cordiality, and trust for sustained growth and development as also transforming the general quality of life.

Simultaneously, acknowledging the highest aspiration of workers as well as industrialists and their critical role in nation building, it is imperative to base the legal interventions on a paradigm of trust, responsibility and mature mutuality. Moving ahead with the current times, transparency, objectivity, expeditious resolution of problems by way of measures like self-certification, audit and assessment and compounding of the offences will reduce unnecessary and endless litigation. These would further empower and strengthen the labourers and employers alike in their growth and productivity Odyssey.

Special care has also been taken to fortify the labourers with greater compensation just as incentives are being incorporated to make industries increasingly adhere to best labour practices and standards.

To achieve the said purpose, the State Government has considered it necessary to make certain amendments in certain labour laws.

It is proposed to make a provision in the Employee's Compensation Act, 1923 to the effect that if an application is not made by the employee himself or by his dependent before the Commissioner for Compensation within a period of ninety days from the occurrence of the accident, then, such an application can be filed by the officer authorised in this behalf, by the State Government. *Clause 2* of the Bill provide for the same.

Certain amendments are proposed to be made in the Industrial Disputes Act, 1947 as follows:-

- (i) Under the existing provision of clause (n) of section 2 of the said Act, the State Government is empowered to prohibit strikes in public utility service, in the first instance for not exceeding six months but it may extend such time by any period not exceeding six months at any one time. It is proposed to increase such initial period of 'six months' to 'one year' and subsequently by any period not exceeding two years, respectively. *Clause 3* of the Bill provides for the same.

- (ii) Section 2A of the said Act *inter alia* provides that the workman may make an application against his dismissal, discharge, etc. raising as 'industrial dispute', to the labour court or tribunal before the expiry of three years. However, it is considered necessary to reduce such time limit of three years to one year. *Clause 4* of the Bill provides for the same.
- (iii) It is also proposed to extend the provisions of Chapter V-D to the 100% export oriented industrial establishments, industrial establishments set up in the Special Investment Region (SIR) and National Investment and Manufacturing Zone (NIMZ). This would help in attracting the entrepreneurs in establishing the establishments in such regions/zones and shall lead to more employment opportunities. An amendment is also proposed in section 25ZA of the said Act to the effect that in case of termination of a workman, the workman would be paid compensation for sixty days instead of forty-five days salary. *Clauses 5 and 6* of the Bill provide for the same.
- (iv) Sub-section (2) of section 31 provides for fine up to one hundred rupees where penalty for contravention of any provision of the Act is not provided. It is proposed to enhance the penalty of rupees one hundred to twenty-one thousand rupees in view of the fact that a new provision for compounding of offence proposed to be inserted. *Clause 7* of the Bill provide for the same.
- (v) Section 9A of the said Act provides for giving of notice to workman by the employer in case any change is intended by the employer in the entries provided in Fourth Schedule to the said Act. It is proposed to delete the entries No. 6 and 11 of the said Schedule. *Clause 9* of the Bill provides for the same.

Certain amendments are proposed to be made in the Minimum Wages Act, 1948 as follows:-

- (i) It is proposed to amend the definition of the term "contractor" as provided in clause (e) of section 2 of the Act, to bring the outsourcing agencies within the ambit of the said definition. *Clause 10* of the Bill provides for the same.
- (ii) Section 11 of the Act, provides that the minimum wages shall be paid in cash. It is proposed to amend the said provision to the effect that any establishment registered either under the Factories Act, 1948 or the Gujarat Shops and Establishments Act, 1948, wherein not less than twenty employees are engaged shall pay the minimum wages through cheque or depositing the same in the Bank. *Clause 11* of the Bill provides for the same.

- (iii) Section 22A provides for fine up to five hundred rupees where penalty for contravention of the any provision of Act is not provided. It is proposed to enhance the penalty of rupees five hundred to twenty-one thousand rupees in view of the fact that a new provision for compounding of offence proposed to be inserted. *Clause 13* of the Bill provide for the same.

Sub-section (3) of section 10 of the Equal Remuneration Act, 1976 provides for fine up to five hundred rupees for non-production of any register or other document before the Inspector. Since this offence is proposed to be made compoundable the penalty up to five hundred rupees is proposed to be raised up to twenty-one thousand rupees. *Clause 23* of the Bill provide for the same.

In the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996, section 2(1)(e) provides for the definition of term "building worker" which *inter alia* provides that the term "building worker" would not include in its fold such person who being employed in supervisory capacity draws wages exceeding one thousand six hundred rupees per *mensem*. It is proposed to amend the said provision to the effect that the term "building worker" shall not include such person who draws wages three times more than the monthly wages of the skilled labour. *Clause 25* of the Bill provides for the same.

It is proposed to delete entry 2 namely, the Industrial Disputes Act, 1947 from Schedule II of the Unorganised Workers' Social Security Act, 2008, so that the said Act of 2008 is made applicable to the Unorganised workers.

It is also proposed to make certain offences punishable under the different Acts, namely, Industrial Disputes Act, 1947, the Minimum Wages Act, 1948, the Motor Transport Workers Act, 1961, the Payment of Bonus Act, 1965, the Beedi and Cigar Workers (Conditions of Employment) Act, 1966, the Contract Labour (Regulation and Abolition) Act, 1970, the Payment of Gratuity Act, 1972 and the Equal Remuneration Act, 1976 as compoundable in the manner as provided in *clauses 8, 14, 16, 18, 19, 20, 22 and 24*, respectively.

A new provision is proposed to be inserted in the Minimum Wages Act, 1948, the Factories Act, 1948, the Payment of Bonus Act, 1965, the Contract Labour (Regulation and Abolition) Act, 1970 and the Payment of Gratuity Act, 1972 to the effect that every occupier, employer or the principal occupier of such class of factories or establishments, as the case may be, as may be notified by the State Government taking into consideration the number of employees, etc. shall have to get himself enrolled under the Self Certification cum Consolidated Annual Return Scheme as may be prescribed under the rules. The provisions are also proposed to be incorporated to the effect that the State Government shall prescribe audit and assessment norms for compliance of labour laws and

labour standards and the occupier, employer or the principal occupier, as the case may be, shall become eligible for exemption from the inspection. This would help in reducing the number of inspections and less interference by the authorities in the day to day affairs of the industrial establishments. *Clauses 12, 15, 17, 21 and 22* of the Bill provide accordingly.

This Bill seeks to amend the said Acts to achieve the aforesaid objects.

VIJAYBHAI RUPANI,

MEMORENDUM REGARDING DELEGATED LEGISLATION

This Bill involves the delegation of legislative powers in the following respects:-

Clause 1.- Sub-clause (2) of this clause empowers the State Government, by notification in the *Official Gazette*, to appoint the date on which the provisions of the Bill shall come into force.

Clause 3.- Proviso to sub-clause (iv) of clause (n) of sub-section (2) proposed to be inserted by this clause empowers the State Government, by notification in the *Official Gazette*, to extend the period not exceeding two years for an industry to be declared as public utility service.

Clause 8.- (1) Sub-section (1) of new section 31A proposed to be inserted by this clause empowers the State Government, by notification in the *Official Gazette*, to authorise the officers or authorities to compound the offences punishable under sections 25Q, 25R, 25U, 26, 27, 28, 29, 30A and sub-sections (1) and (2) of section 31 of the Industrial Disputes Act, 1947.

(2) Proviso to sub-section (1) of new section 31A proposed to be incorporated by this clause empowers the State Government, by notification in the *Official Gazette*, to amend the compounding amount as specified in the table.

Clause 12.- (i) Sub-section (1) of new section 18A proposed to be inserted by this clause empowers the State Government to prescribe by rules, the Self-Certification cum Consolidated Annual Return Scheme;

(ii) Sub-sections (2) and (3) of new section 18A proposed to be inserted by this clause empower the State Government to prescribe by rules,

the audit and assessment norms for compliance of labour laws and labour standards and the incentives to be given to the employer for compliance of the same, respectively.

Clause 14.- (1) Sub-section (1) of new section 22CC proposed to be inserted by this clause empowers the State Government, by notification in the *Official Gazette*, to authorise the officers or authorities to compound the offences punishable under sections 22A of the Minimum Wages Act, 1948.

(2) Proviso to sub-section (1) of new section 22CC proposed to be incorporated by this clause empowers the State Government, by notification in the *Official Gazette*, to amend the compounding amount as specified in the table.

Clause 15.- (i) Sub-section (1) of new section 111AA proposed to be inserted by this clause empowers the State Government to prescribe by rules, the Self-Certification cum Consolidated Annual Return Scheme;

(ii) Sub-sections (2) and (3) of new section 111AA proposed to be inserted by this clause empowers the State Government to prescribe by rules, the audit and assessment norms for compliance of labour laws and labour standards and the incentives to be given to the employer for compliance of the same, respectively.

Clause 16.- (1) Sub-section (1) of new section 34A proposed to be inserted by this clause empowers the State Government, by notification in the *Official Gazette*, to authorise the officers or authorities to compound the offences punishable under sub-section (1) of section 29 and sections 31 and 32 of the Motor Transport Workers Act, 1961.

(2) Proviso to sub-section (1) of new section 34A proposed to be incorporated by this clause empowers the State Government, by notification in the *Official Gazette*, to amend the compounding amount specified in sub-section (1).

Clause 17.- (i) Sub-section (1) of new section 26A proposed to be inserted by this clause empowers the State Government to prescribe by rules, the Self-Certification cum Consolidated Annual Return Scheme.

(ii) Sub-sections (2) and (3) of new section 26A proposed to be inserted by this clause empowers the State Government to prescribe by rules, the audit and assessment norms for compliance of labour laws and labour standards and the incentives to be given to the employer for compliance of the same, respectively.

Clause 18.- (1) Sub-section (1) of new section 29A proposed to be inserted by this clause empowers the State Government, by notification in the *Official Gazette*, to authorise the officers or authorities to compound the offences punishable under the Payment of Bonus Act, 1965 and the rules made thereunder.

(2) Proviso to sub-section (1) of new section 29A proposed to be incorporated by this clause empowers the State Government, by notification in the *Official Gazette*, to amend the compounding amount as specified in the table.

Clause 19.- (1) Sub-section (1) of new section 33A proposed to be inserted by this clause empowers the State Government, by notification in the *Official Gazette*, to authorise the officers or authorities to compound the offences punishable under sub-section (1) of section 33 of the Beedi and Cigar Workers (Conditions of Employment) Act, 1966.

(2) Proviso to sub-section (1) of new section 33A proposed to be incorporated by this clause empowers the State Government, by notification in the *Official Gazette*, to amend the compounding amount as specified in sub-section (1).

Clause 20.- (1) Sub-section (1) of new section 25A proposed to be inserted by this clause empowers the State Government, by notification in the *Official Gazette*, to authorise the officers or authorities to compound the offences punishable under sub-sections (1) and (2) of section 22 and section 24 of the Contract Labour (Regulation and Abolition) Act, 1970.

(2) Proviso to sub-section (1) of new section 25A proposed to be incorporated by this clause empowers the State Government, by notification in the *Official Gazette*, to amend the compounding amount as specified in the table.

Clause 21.- (i) Sub-section (1) of new section 29A proposed to be inserted by this clause empowers the State Government to prescribe by rules, the Self-Certification cum Consolidated Annual Return Scheme.

(ii) Sub-sections (2) and (3) of new section 29A proposed to be inserted by this clause empowers the State Government to prescribe by rules, the audit and assessment norms for compliance of labour laws and labour standards and the incentives to be given to the principal employer or contractor for compliance of the same, respectively.

Clause 22.- (1) Sub-section (1) of new section 10A proposed to be inserted by this clause empowers the State Government, by notification

in the *Official Gazette*, to authorise the officers or authorities to compound the offences punishable under sub-section (2) of section 9 of the Payment of Gratuity Act, 1972 in so far as the contravention of the provisions of the rules 3, 6(1), 8 and 10A(7) of the Payment of Gratuity (Gujarat) Rules, 1973.

(2) Proviso to sub-section (1) of new section 10A proposed to be incorporated by this clause empowers the State Government, by notification in the *Official Gazette*, to amend the compounding amount as specified in the table.

(3) (i) Sub-section (1) of new section 10B proposed to be inserted by this clause empowers the State Government to prescribe by rules, the Self-Certification cum Consolidated Annual Return Scheme.

(ii) Sub-sections (2) and (3) of new section 10B proposed to be inserted by this clause empowers the State Government to prescribe by rules, the audit and assessment norms for compliance of labour laws and labour standards and the incentives to be given to the employer for compliance of the same, respectively.

Clause 24.- (1) Sub-section (1) of new section 11A proposed to be inserted by this clause empowers the State Government, by notification in the *Official Gazette*, to authorise the officers or authorities to compound the offences punishable under section 10 of the Equal Remuneration Act, 1976.

(2) Proviso to sub-section (1) of new section 11A proposed to be incorporated by this clause empowers the State Government, by notification in the *Official Gazette*, to amend the compounding amount as specified in the table.

The delegation of powers as aforesaid is necessary and is of a normal character.

Gandhinagar,

Dated the 18th February, 2015.

VIJAYBHAI RUPANI.

By order and in the name of the Governor of Gujarat,

Gandhinagar,

Dated the 18th February, 2015

C. J. GOTH,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.



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The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. LVI]

FRIDAY, FEBRUARY 20, 2015/PHALGUNA 1, 1936

Separate paging is given to this part in order that it may be filed as a Separate Compilation.

PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT PRIVATE UNIVERSITIES (AMENDMENT) BILL, 2015.

GUJARAT BILL NO. 6 OF 2015.

A BILL

further to amend the Gujarat Private Universities Act, 2009.

WHEREAS, the Gujarat Law Society, Ahmedabad had applied to the State Government under the provisions of the Gujarat Private Universities Act, 2009 to establish a Private University in the State;

Guj. 8 of 2009.

AND WHEREAS, the said application has been scrutinised by the Scrutiny Committee and on the report of Scrutiny Committee, the State Government has issued the letter of intent to the sponsoring body for establishment of the Private University;

AND WHEREAS, the State Government is satisfied that the sponsoring body has complied with the conditions of letter of intent as provided in section 10 of the said Act and has also established the Endowment Fund as per the letter of intent;

NOW, THEREFORE, the Government of Gujarat, in accordance with the provisions of section 10 of the said Act, includes the institution specified in column 2 of the Schedule as the Private University, by the name and location of the aforesaid sponsoring body as specified in column 4 of the Schedule.

It is hereby enacted in the Sixty-sixth Year of the Republic of India as follows:-

Short title
and commen-
cement.

1. (1) This Act may be called the Gujarat Private Universities (Amendment) Act, 2015.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment
of Schedule
to Guj. 8
of 2009.

2. In the Gujarat Private Universities Act, 2009, in the Schedule, after the entry at serial No. 15, the following entry shall be inserted, namely:-

Guj. 8 of
2009.

| Sr. No. | Name and Address of the Private University | Details of Registration and Registration Number | Sponsoring Body |
|---------|--|--|-----------------------------------|
| 1. | 2. | 3. | 4. |
| "16. | G L S University, Ahmedabad. | Trust Registration No. F/47/Date:19.6.1953 (under the Gujarat Public Trusts Act, 1950) and Society Registration No. B 4/426/ Date: 23.2.1927 (under the Societies Registration Act, 1860). | Gujarat Law Society Ahmedabad. ”. |

STATEMENT OF OBJECTS AND REASONS

The State Government has enacted the Gujarat Private Universities Act, 2009 (Guj. 8 of 2009) to provide for establishment of Private Universities in the State so as to provide for qualitative and industry related higher education and to regulate their functions under which in all fifteen Private Universities have been established so far.

The State Government has received a proposal from Gujarat Law Society, Ahmedabad for establishment of the G L S University, Ahmedabad as a Private University. The said proposal has been considered by the State Government and since the said sponsoring body has complied with the provisions of the Act, it is considered necessary to include the name of the said University in the Schedule to the Act, thereby conferring it the status of Private University.

This Bill seeks to amend the said Act to achieve the aforesaid object.

BHUPENDRASINH CHUDASAMA,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves the delegation of legislative power in following respect:-

Clause 1.- Sub-clause (2) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force.

The delegation of legislative power as aforesaid is necessary and is of a normal character.

Dated the 20th February, 2015

BHUPENDRASINH CHUDASAMA,

By order and in the name of the Governor of Gujarat,

Gandhinagar,
Dated the 20th February, 2015.

C. J. Gothi,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.



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The Gujarat Government Gazette

EXTRAORDINARY
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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT (SUPPLEMENTARY) APPROPRIATION BILL, 2015.

GUJARAT BILL NO. 7 OF 2015.

A B I L L

to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of the State of Gujarat for the services of the financial year ending on the thirty-first day of March, 2015.

It is hereby enacted in the Sixty-sixth Year of the Republic of India as follows:-

1. This Act may be called the Gujarat (Supplementary) Appropriation Act, 2015.

Short title.

2. From and out of the Consolidated Fund of the State of Gujarat, there shall be paid and applied sums not exceeding those specified in column 3 of the Schedule hereto annexed amounting in the aggregate to the sum of five thousand eight hundred eighteen crores, forty-eight lakhs, seventy-seven thousand rupees towards defraying the several charges which will come in course of payment during the financial year ending on the thirty-first day of March, 2015, in respect of the services and purposes specified in column 2 of the Schedule.

Issue of
₹ 58,18,48,77,000
from and out of the
Consolidated Fund
of the State of
Gujarat for the
financial year
2014-2015.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Gujarat by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

Appropriation.

| SCHEDULE (See sections 2 and 3) | | | | | |
|---|---|----------------------|--------------------|---|-------------|
| Demand No. of Vote/ Approp- riation | Services and Purposes | Revenue / Capital | Sums not exceeding | | |
| | | | Voted | Charged on the Consolidated Fund | Total |
| | | | ₹ | ₹ | ₹ |
| 1 | 2 | | 3 | | |
| 2 | Agriculture | Revenue | 156503000 | 39000 | 156542000 |
| 5 | Co-operation | Revenue | 4035056000 | 0 | 4035056000 |
| | | Capital | 63169000 | 0 | 63169000 |
| 6 | Fisheries | Revenue | 477512000 | 0 | 477512000 |
| 9 | Education | Revenue | 16075818000 | 193200000 | 16269018000 |
| 13 | Energy Projects | Revenue | 12060000000 | 0 | 12060000000 |
| | | Capital | 1780000000 | 0 | 1780000000 |
| 20 | Repayment of debt pertaining to Finance Department and its Servicing | Revenue | 0 | 9000 | 9000 |
| 22 | Civil Supplies | Revenue | 1166517000 | 33000 | 1166550000 |
| 24 | Other Expenditure Pertaining to Food, Civil Supplies and Consumer Affairs Department | Revenue | 0 | 97000 | 97000 |
| 26 | Forest | Revenue | 0 | 1222371000 | 1222371000 |
| 30 | Council of Ministers | Revenue | 6802000 | 0 | 6802000 |
| 32 | Public Service Commission | Revenue | 33620000 | 84137000 | 117757000 |
| 33 | General Administration Department | Revenue | 1000 | 0 | 1000 |
| 35 | Other Expenditure pertaining to General Administration Department | Capital | 111042000 | 0 | 111042000 |
| 38 | Health and Family Welfare Department | Revenue | 1000 | 0 | 1000 |
| 39 | Medical and Public Health | Revenue | 1306596000 | 0 | 1306596000 |
| 43 | Police | Revenue | 2000 | 267000 | 269000 |
| 44 | Jails | Revenue | 82791000 | 0 | 82791000 |
| 46 | Other Expenditure pertaining to Home Department | Revenue | 227506000 | 0 | 227506000 |
| 48 | Stationery and Printing | Revenue | 7828000 | 0 | 7828000 |
| 50 | Mines and Minerals | Revenue | 855346000 | 0 | 855346000 |

| | | | | | |
|----|---|---------|------------|------------|------------|
| 51 | Tourism | Revenue | 378000 | 0 | 378000 |
| 54 | Information and Publicity | Revenue | 120187000 | 0 | 120187000 |
| 57 | Labour and Employment | Revenue | 24854000 | 0 | 24854000 |
| 59 | Legal Department | Revenue | 6574000 | 0 | 6574000 |
| 60 | Administration of Justice | Revenue | 437029000 | 56898000 | 493927000 |
| 66 | Irrigation and Soil Conservation | Capital | 6736383000 | 150000000 | 6886383000 |
| 67 | Water Supply | Revenue | 222341000 | 0 | 222341000 |
| 68 | Other Expenditure pertaining to Narmada, Water Resources, Water Supply and Kalpsar Department | Revenue | 0 | 600000000 | 600000000 |
| 70 | Community Development | Revenue | 731815000 | 0 | 731815000 |
| 71 | Rural Housing and Rural Development | Revenue | 0 | 1052500000 | 1052500000 |
| 72 | Compensation and Assignments | Revenue | 222305000 | 0 | 222305000 |
| 73 | Other Expenditure pertaining to Panchayats, Rural Housing and Rural Development Department | Revenue | 1722580000 | 0 | 1722580000 |
| 76 | Revenue Department | Revenue | 6079000 | 0 | 6079000 |
| 77 | Tax Collection Charges (Revenue Department) | Revenue | 67269000 | 0 | 67269000 |
| 79 | Relief on Account of Natural Calamities | Revenue | 72500000 | 0 | 72500000 |
| 80 | Dang District | Revenue | 5649000 | 0 | 5649000 |
| 81 | Compensation and Assignments | Revenue | 3221229000 | 11674000 | 3232903000 |
| 82 | Other Expenditure pertaining to Revenue Department | Revenue | 13681000 | 0 | 13681000 |
| 85 | Residential Buildings | Revenue | 0 | 353000 | 353000 |
| 86 | Roads and Bridges | Revenue | 2000 | 0 | 2000 |
| | | Capital | 752677000 | 0 | 752677000 |
| 87 | Gujarat Capital Construction Scheme | Capital | 106529000 | 100000 | 106629000 |
| 88 | Other Expenditure pertaining to Roads and Buildings Department | Revenue | 7642000 | 20000000 | 27642000 |
| 89 | Science and Technology Department | Revenue | 19999000 | 0 | 19999000 |

| | | | | | |
|----------------------|--|----------------|--------------------|-------------------|--------------------|
| 92 | Social Security and Welfare | Revenue | 0 | 3000000 | 3000000 |
| | | Capital | 13377000 | 0 | 13377000 |
| 93 | Welfare of Scheduled Tribes | Revenue | 20193000 | 0 | 20193000 |
| 95 | Scheduled Castes Sub-Plan | Revenue | 2000 | 0 | 2000 |
| 96 | Tribal Area Sub-Plan | Revenue | 9099000 | 0 | 9099000 |
| | | Capital | 915499000 | 0 | 915499000 |
| 98 | Youth Services and Cultural Activities | Revenue | 1000 | 0 | 1000 |
| 101 | Urban Housing | Revenue | 0 | 881129000 | 881129000 |
| 102 | Urban Development | Revenue | 7000 | 0 | 7000 |
| 105 | Women and Child Development Department | Revenue | 80000 | 0 | 80000 |
| 106 | Other Expenditure pertaining to Women and Child Development Department | Revenue | 0 | 7000000 | 7000000 |
| Total : | | Revenue | 43423394000 | 4132707000 | 47556101000 |
| | | Capital | 10478676000 | 150100000 | 10628776000 |
| Grand Total : | | | 53902070000 | 4282807000 | 58184877000 |

STATEMENT OF OBJECTS AND REASONS

This Bill is introduced in pursuance of article 204 of the Constitution of India read with article 205 thereof, to provide for the appropriation out of the Consolidated Fund of the State of Gujarat of the moneys required to meet the supplementary expenditure on certain services and purposes in relation to the financial year ending on the thirty-first day of March, 2015.

The amounts are shown below: - ₹

(a) Revenue Expenditure 47,55,61,01,000

(b) Capital Expenditure 10,62,87,76,000

Total : 58,18,48,77,000

Dated the 4th March, 2015.

SAURABH PATEL

By order and in the name of the Governor of Gujarat,

C. J. GOTHI,

Gandhinagar,
Dated the 4th March, 2015.

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.



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The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. LVI]

THURSDAY, MARCH 12, 2015/PHALGUNA 21, 1936

Separate paging is given to this Part in order that it may be filed as a Separate Compilation

PART - V

Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT PRIVATE UNIVERSITIES (SECOND AMENDMENT) BILL, 2015.

GUJARAT BILL NO. 8 OF 2015.

A BILL

further to amend the Gujarat Private Universities Act, 2009.

Guj. 8 of 2009. WHEREAS, the Parul Arogya Seva Mandal, Vadodara has applied to the State Government under the provisions of the Gujarat Private Universities Act, 2009 to establish a Private University in the State;

AND WHEREAS, the said application has been scrutinised by the Scrutiny Committee and on the report of Scrutiny Committee, the State Government has issued the letter of intent to the sponsoring body for establishment of the Private University;

AND WHEREAS, the State Government is satisfied that the sponsoring body has complied with the conditions of letter of intent as provided in section 10 of the said Act and has also established the Endowment Fund as per the letter of intent;

NOW, THEREFORE, the Government of Gujarat, in accordance with the provisions of section 10 of the said Act, includes the institution specified in column 2 of the Schedule as the Private University, by the name and location of the aforesaid sponsoring body as specified in column 4 of the Schedule.

It is hereby enacted in the Sixty-sixth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Private Universities (Second Amendment) Act, 2014.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. In the Gujarat Private Universities Act, 2009, in the Schedule, after the entry at serial No. 16, the following entry shall be inserted, namely:-

Guj. 8 of 2009.

| Sr. No. | Name and Address of the Private University. | Details of Registration and Registration Number. | Sponsoring Body. |
|---------|---|---|---|
| 1. | 2. | 3. | 4. |
| "17. | Parul University, Vadodara. | Trust Registration No. E/4251/Vadodara, Date : 28.9.1990 (under the Gujarat Public Trusts Act, 1950). | Parul Arogya Seva Mandal, Post Office Limda, Taluka-Wagodia, Vadodara. 391760." |

Short title and commencement.

Amendment of Schedule to Guj. 8 of 2009.

STATEMENT OF OBJECTS AND REASONS

The State Government has enacted the Gujarat Private Universities Act, 2009 (Guj. 8 of 2009) to provide for establishment of Private Universities in the State so as to provide for qualitative and industry related higher education; and to regulate their functions in accordance with the provisions of the Act. A private University declared as such under the said Act is required to administer the affairs of the University as per the provisions of the said Act and the Governing Body, the Board of Management, the Academic Council and such other authorities are required to perform their duties and discharge their functions as provided in the said Act and the constitution of such bodies shall be as provided in the said Act.

The State Government has received a proposal from Parul Arogya Seva Mandal, Vadodara, for establishment of the Parul University, Vadodara as a Private University. Section 10 of the said Act provides that if the State Government is satisfied that the Sponsoring Body has complied with the conditions of the Letter of Intent, then the State Government is required to bring appropriate legislation for inclusion of the name of the University in Schedule to the said Act. The said proposal has been considered by the Scrutiny Committee appointed under section 8 of the said Act and the said Committee has submitted its report to the State Government and on the basis of such report, the State Government has, having been satisfied, issued a letter of intent as provided under section 9 of the said Act and since the sponsoring body has complied with the conditions of the letter of intent, it is considered necessary to include the name of the University in the Schedule to the Act as envisaged under section 10 of the said Act.

This Bill seeks to amend the said Act to achieve the aforesaid object.

BHUPENDRASINH CHUDASAMA,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves the delegation of legislative power in following respect:-

Clause 1.- Sub-clause (2) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force.

The delegation of legislative power as aforesaid is necessary and is of a normal character.

Dated the 12th March, 2015.

BHUPENDRASINH CHUDASAMA.

By order and in the name of the Governor of Gujarat,

C. J. GOTH,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

Gandhinagar,
Dated the 12th March, 2015



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

Vol. LVI]

FRIDAY, MARCH 13, 2015/PHALGUNA 22, 1936

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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT MOTOR VEHICLES TAX (AMENDMENT) BILL, 2015.

GUJARAT BILL NO. 9 OF 2015.

A BILL

further to amend the Gujarat Motor Vehicles Tax Act, 1958.

It is hereby enacted in the Sixty-sixth Year of the Republic of India as follows:-

1. This Act may be called the Gujarat Motor Vehicles Tax (Amendment) Act, 2015. Short title.

Bom. LXV of
1958.

2. In the Gujarat Motor Vehicles Tax Act, 1958 (hereinafter referred to as "the principal Act"), to section 12B, the following provisos shall be inserted, namely :-

Amendment of
section 12B of
Bom. LXV of
1958.

"Provided that if the tax due under this Act is not paid within a period of three months from the date on which such vehicle has been seized or detained, such vehicle shall be liable to be sold by auction by the taxation authority in the manner as may be prescribed :

Provided further that if the amount of tax due is not fully recovered even after the auction of such vehicle, then, it shall be competent for the taxation authority to seize or detain such other vehicle or vehicles owned or possessed or controlled by such person and sell such vehicle or vehicles by auction in the manner as may be prescribed.”.

Insertion of
new section 12
C in Bom.
LXV of 1958.

3. In the principal Act, after section 12B, the following section shall be inserted, namely :-

Tax to be first
charge on
property.

“12C. Notwithstanding anything to the contrary contained in any law for the time being in force, any amount payable by the owner or a person in possession or control of a motor vehicle on account of tax, interest or penalty for which he is liable to pay to the Government, shall be a first charge on the property of such person or owner or proprietor.”.

Amendment of
section 17 of
Bom. LXV of
1958.

4. In the principal Act, in section 17,-

(i) for the words “one hundred rupees”, the words “five thousand rupees” shall be substituted;

(ii) for the words “two hundred rupees”, the words “ten thousand rupees” shall be substituted.

Substitution of
section 19 of
Bom. LXV of
1958.

5. In the principal Act, for section 19, the following section shall be substituted, namely :-

Offence and
punishment.

“19. Whoever contravenes the provisions of section 3 of this Act shall be punishable with imprisonment for a term which may extend to six months and with fine which shall be double the amount of the unpaid tax; and the amount of interest due.”.

STATEMENT OF OBJECTS AND REASONS

Under the existing provisions of the Gujarat Motor Vehicles Tax Act, 1958, every registered owner or any person having possession or control of the motor vehicles is required to pay the tax as envisaged under the said Act. In absence of stringent provisions for recovery of the tax, it is experienced that the owners of the motor vehicles do not pay the tax within the prescribed time limit and the recovery such tax takes a long time and in some cases the tax remains unpaid for years together. It is, therefore, considered necessary to insert such provisions in the Act which would oblige the person liable to pay tax in time. It is, therefore, proposed to make a provision that the vehicle seized or detained can be sold by auction by the taxation authority. The non-payment of tax in time is proposed to be made an offence for which the punishment not exceeding six months imprisonment is provided.

The Act at present does not have any provision which creates statutory first charge on the amount payable by a person on account of tax, interest or penalty which he is liable to pay to the Government and, therefore, dues recoverable under the said Act shall have preference over the unsecured dues but not over the secured dues. It is, therefore, considered necessary to create a statutory first charge on the dues to be payable to the Government by such person under the Act. By creating the first charge on the property of such person, dues recoverable under the said Act shall have priority over the secured debts. A new section 12C is therefore proposed to be inserted in the Act.

This Bill seeks to amend the said Act to achieve the aforesaid objects.

VIJAYBHAI RUPANI

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves delegation of legislative powers in following respects :-

Clause 2.-(i) the first proviso proposed to be inserted in section 12B by this clause empowers the State Government to prescribe by rules, the manner in which the vehicle seized or detained shall be sold by auction by the taxation authority;

(ii) the second proviso proposed to be inserted in section 12B by this clause empowers the State Government to prescribe by rules, the manner in which the another vehicle or vehicles seized or detained by the taxation authority shall be sold by auction;

The delegation of legislative powers as aforesaid is necessary and is of a normal character.

Dated the 13th March, 2015.

VIJAYBHAI RUPANI

By order and in the name of the Governor of Gujarat,

C.J. Gothi,

Gandhinagar,
Dated the 13th March, 2015.

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.



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The Gujarat Government Gazette

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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT UNIVERSITY OF TRANSPLANTATION SCIENCES BILL, 2015.

GUJARAT BILL NO. 10 OF 2015

A BILL

to provide for establishment and incorporation of a non-affiliating University to be known as the Gujarat University of Transplantation Sciences to impart proper and systematic instruction, teaching, training, and research in transplantation and allied sciences in the State of Gujarat and to confer the status of a University to Smt. Gulabben Rasiklal Doshi and Smt. Kamlaben Mafatlal Mehta Institute of Kidney Diseases & Research Centre - Dr. H.L. Trivedi Institute of Transplantation Sciences (IKDRC-ITS) and for the matters connected therewith and incidental thereto.

It is hereby enacted in the Sixty-sixth Year of the Republic of India as follows:-

CHAPTER I PRELIMINARY

1. (1) This Act may be called the Gujarat University of Transplantation Sciences Act, 2015.

Short title and commencement

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Definitions.

2. In this Act, unless the context otherwise requires, -

(1) "Academic Council" means the Academic Council of the University constituted under section 24;

- (2) "Academic Service Unit" means a University science and instrumentation centre, animal houses, animal experimental labs, cadaver labs, academic staff college, computer centre, University printing press or any other unit providing specialized services for the promotion of any of the objectives of the University;
- (3) "approved institution" means hospital, health centre, college or such other institution recognized by the University as such in which a person may undergo training, if any, required by a course of study before any degree, diploma or other academic distinction of the University is conferred;
- (4) "Board of Governors" means a Board of Governors constituted under section 20;
- (5) "Dean" means a Dean nominated by the Vice-Chancellor with the approval of the Board of Governors under section 15;
- (6) "Department" means a department designated as such teaching a particular subject or a group of subjects or a unit set up for the purpose of imparting instruction for courses of study in transplantation and allied sciences in the University;
- (7) "Executive Council" means the Executive Council of the University constituted under section 22;
- (8) "Finance Committee" means the Finance Committee of the University constituted under section 26;
- (9) "Field Unit" means a unit established outside the University area for validating and disseminating the benefits of new techniques and practices developed by the University;
- (10) "Government" means the Government of Gujarat;
- (11) "Governing Body" means the Governing Body of the Institute;
- (12) "Hostel" means units of residence for the students of the University maintained or recognized by the University;
- (13) "Institute" means Smt. Gulabben Rasiklal Doshi and Smt. Kamlaben Mafatlal Mehta Institute of Kidney Diseases & Research Centre - Dr. H.L. Trivedi Institute of Transplantation Sciences (IKDRC-ITS), registered under the Societies Registration Act, 1860; 21 of 1860.
- (14) "prescribed" means prescribed by the Regulations made under section 38;
- (15) "Pro-Chancellor" means the Pro-Chancellor of the University appointed under section 10;
- (16) "Recognized institution" means an institution of higher learning, research or specialized studies recognized as such by the University;
- (17) "Registrar" means the Registrar of the University appointed under section 16;
- (18) "Regulations" means Regulations of the University made under section 38;
- (19) "Research Laboratories" means the place where research in the field of Cell, Tissue and Solid Organ Transplantation, Bio-engineering, Bio-chemistry, Tissue-typing, Micro-arrays, Genetics and Translational Research in Humans, Animals,

Micro-organisms and Viruses, Xeno-Transplantation and such other fields is carried out;

- (20) "student" means a person enrolled in the University for undergoing a course of a study for a degree, diploma, titles or other academic distinctions of the University;
- (21) "Teacher" includes a Dean, Professor, Associate Professor, Assistant Professor and such other person(s) imparting instruction in a constituent college or approved institution and also includes Adjunct Professor;
- (22) "Transplantation" means the grafting of any living cell, tissue, part of organ or whole organ from any living or deceased organism, tissue engineered or genetically engineered structure from any organism into living being for therapeutic or research purposes;
- (23) "University" means the "Gujarat University of Transplantation Sciences" established and incorporated under section 3.

CHAPTER II UNIVERSITY

3. (1) There shall be established a University, by the name of the "Gujarat University of Transplantation Sciences".

Establishment
and
incorporation of
University.

- (2) The Pro-Chancellor, Vice-Chancellor, Deans, Registrar, Finance and Accounts Officer, Controller of Examinations, Board of Governors, Executive Council, Academic Council, Finance Committee and all other persons who may hereafter become such officers or members so long as they continue to hold such office or membership, shall constitute a body corporate by the name of the "Gujarat University of Transplantation Sciences".

- (3) The University shall be a body corporate, by the name specified in sub-section (1) and shall have perpetual succession and a common seal and shall sue and be sued by the said name.

- (4) The University shall be competent to acquire and hold property, both movable and immovable, to sell, lease or otherwise transfer or dispose of any movable or immovable property, which may vest in or be acquired by it for the purposes of the University, and to contract and do all other things necessary for the purposes of this Act:

Provided that, no such sale, lease or transfer of such property shall be made without the valuation made thereof by the approved valuer appointed by the University and without the prior sanction of the State Government.

- (5) The University shall function as a non-affiliating University.

4. The headquarters of the University shall be at Ahmedabad.

Headquarters
of University.

Jurisdiction of University. 5. (1) The University shall have its jurisdiction in the whole of the State of Gujarat.

(2) The University may assume responsibility for the establishment and maintenance of Training or Educational Centers, Research and Experimental centers and undertake extension activities and the programmes of training through such centers as may be required in various parts of the State.

(3) The University may establish additional campuses at such other places with the prior approval of the State Government within the State of Gujarat, as it may deem fit and appropriate.

Objects of University. 6. The objects of the University shall be to disseminate, create and preserve knowledge and understanding by teaching, research, extension and service and by effective demonstration in the field of transplantation and allied sciences and influence of its corporate life on society in general, and in particular the objects shall be-

- (i) to provide for efficient and responsive administration, scientific management and develop organization of teaching and research;
- (ii) to create a centre of excellence for providing educational and research facilities of high order in the field of transplantation and allied sciences in the existing super-specialties and such other super-specialties as may develop in future, including cell and tissue transplantation, solid organ transplantation, composite tissue transplantation, xeno transplantation, cell, tissue and bio-engineering, genetics and translational research in humans, animals, micro-organisms and viruses;
- (iii) to attain the highest standards of academic excellence by providing the necessary physical infrastructure and creating an intellectual environment conducive to free flow of ideas and meaningful exchange of information;
- (iv) to provide for the courses and training in paramedical and allied fields, particularly in relation to transplantation and allied sciences;
- (v) to bring about qualitative improvement in teaching and learning process;
- (vi) to inculcate the practice of creating instructional experiences which make the acquisition of knowledge and skill more efficient and effective;
- (vii) to facilitate and promote studies leading to award of degrees, diplomas and certificates and other academic distinctions;
- (viii) to help foster bond between research and academic institutions for better planning, management, execution, maintenance and standards of transplantation;
- (ix) to develop as National Referral Centre in the field of cell, tissue and organ transplantation;
- (x) to do such other acts and activities as may be necessary in furtherance of the objects of the University.

7. Subject to the provisions of this Act, the University shall exercise the following powers and perform the following functions, namely:-

**Powers and
functions of
University.**

- (i) to formulate and implement syllabi and curricula for various academic courses of the University;
- (ii) to establish, maintain and manage University Departments, laboratories, research laboratories, libraries, museums and equipments for teaching and research, and institutions of research and specialized studies or academic service units;
- (iii) to organize, maintain and manage centres, hostels, halls of residence, University auditoria, gymnasiums, residential accommodations for advanced/research students and staff of the University;
- (iv) to provide for dissemination of the findings of research, technology and technical information through extension educational programmes;
- (v) to hold examinations and to confer degrees, diplomas and other academic distinctions, including honorary degrees or other distinctions conferred or granted by the University in the manner and under conditions as may be prescribed by the regulations;
- (vi) to collaborate and co-operate with other Universities in such manner and for such purposes as the University may determine, including Foreign Universities, institutions, authorities or organizations or agencies for research, collaborative programmes, advisory services subject to the prior approval of the State Government and subject to the rules and regulations of the Central Government and the State Government in that behalf;
- (vii) to create post for teaching, research, extension education, administrative, ministerial and other purposes, and to make appointment, and to prescribe the qualifications in accordance with the guidelines thereto of the University Grants Commission, or concerned professional regulatory bodies;
- (viii) to institute and award fellowship, scholarships, stipends, medals, prizes and other awards, to hold and manage trusts and endowments for teachers and students of the University;
- (ix) to fix, demand, receive and recover such fees and other charges, as may be prescribed by the regulations;
- (x) to lay down and regulate the scale of salaries and allowances and other conditions of service of members of the teaching, other academic, administrative and support staff of the University. The scales of salaries and allowances shall be implemented with the approval of the State Government;
- (xi) to establish, conduct and promote centres, such as,-
 - (i) Centre of Research,
 - (ii) Centre of Education,
 - (iii) Centre of Training,
 - (iv) Centre of Extension Activities and to provide for facilities even to the remote areas of the State, etc.;

- (xii) to appoint or recognize persons working in any other University or organization as Adjunct Professor, Adjunct Associate Professor, Adjunct Assistant Professor, and to invite Professor Emeritus, Visiting Professors of the University for specified periods, and to facilitate mobility of academic members within the University and to other universities;
- (xiii) to prescribe for conduct and discipline rules for teaching, administrative and support staff and to ensure the enforcement thereof;
- (xiv) to establish, maintain and manage whenever necessary, -
 - (i) a printing and publication department;
 - (ii) University Extension Board;
 - (iii) Information Bureaus;
- (xv) to accept, hold and manage any endowments, donations or funds which may become vested in it for the purposes of the University by grant, testamentary disposition or otherwise, and to invest such endowments, donations or funds in accordance with the provisions of this Act:

Provided that no donation from a foreign country, foreign foundation or any person in such country, foundation shall be accepted by the University save with approval of the Central Government or the State Government, as the case may be;

- (xvi) to lay down for teachers, service conditions including code of conduct, workload, norms of performance appraisal, and such other instructions or directions as, in the opinion of the University, may be necessary in academic matter;
- (xvii) to institute and award degrees, diploma certificates and other academic distinctions for persons who shall have pursued approved courses of study in a University college unless exempted therefrom in the manner prescribed and shall have passed the prescribed examinations of the University or shall have carried on research satisfactorily under conditions as may be prescribed;
- (xviii) to develop, upgrade and start department in transplantation and allied specialties as may be required and to provide instruction for such courses of study as it may determine;
- (xix) to prescribe conditions under which the award of degree, title, diploma and other academic distinctions may be withheld;
- (xx) to institute, maintain and administer University colleges, hospitals and laboratories and institutes of research, library or other institutions necessary to carry out the objects of the University;
- (xxi) to establish, maintain and administer hostel blocks, to recognize hostels not managed by the University and to suspend or withdraw such recognition therefrom;
- (xxii) to borrow money with or without security for such purpose, as may be approved by the State Government from the Central Government, the University Grants Commission or other incorporated bodies subject to the provisions of this Act;

- (xxiii) to undertake publication of works of merit and research pertaining to Transplantation and allied Sciences;
- (xxiv) to comply with and carry out any directives issued by the State Government from time to time, with reference to above powers, duties and responsibilities of the University; and
- (xxv) to do all such other acts and things as the University may consider necessary, conducive or incidental to the attainment or promotion of the objects of the University.

8. (1) No person shall be excluded from any office of the University or from membership of any of its authorities, bodies or committees, or from admission to any degree, diploma or other academic distinction or course of study on the sole ground of sex, race, creed, caste, class, place of birth, religious belief or political or other opinion.

University open to all irrespective of sex, religion, class, creed or opinion.

(2) It shall not be lawful for the University to impose on any person any test whatsoever relating to sex, race, creed, caste, class, place of birth, religious belief or profession of political or other opinion in order to entitle him to be admitted as a teacher or a student or to hold any office or post in the University or to qualify for any degree, diploma, certificate or other academic distinction or title to enjoy or exercise any privilege of the University or any benefaction thereof.

CHAPTER III OFFICERS OF UNIVERSITY

9. The following shall be the Officers of the University, namely:-

Officers of University.

- (i) the Pro-Chancellor;
- (ii) the Vice-Chancellor;
- (iii) the Deans;
- (iv) the Registrar;
- (v) the Finance and Accounts Officer;
- (vi) the Controller of Examinations; and
- (vii) such other persons as may be declared by the regulations to be the officers of the University.

10. (1) There shall be a Pro-Chancellor of the University, who shall be appointed by the State Government in consultation with the Board of Governors.

Pro-Chancellor

(2) The Pro-Chancellor shall be an eminent person with atleast 20 years of experience in the field of transplantation which may include the experience of research in the field transplantation.

(3) The Pro-Chancellor shall hold office for a period of five years and shall be eligible for reappointment.

(4) Where a vacancy in the office of the Pro-Chancellor occurs on account of death, resignation or otherwise, the State Government shall appoint as soon as possible, a suitable person to be the Pro-Chancellor of the University in accordance with the provision of sub-section (1). Till such appoint is made by the State Government, the Vice-Chancellor shall perform the duties and discharge the functions of the Pro-Chancellor.

(5) The Pro-Chancellor may resign from his office by writing under his hand addressed to the State Government and such resignation shall take effect from the date of acceptance by the State Government.

Powers of Pro-Chancellor.

11. (1) The Pro-Chancellor shall preside over the meetings of the Board of Governors and at the convocation of the University.

(2) The Pro-Chancellor shall exercise such other powers and perform such other duties as may be assigned to him by or under this Act or regulations made thereunder.

(3) The Pro-Chancellor shall have, subject to the provisions of this Act, power to cause an inspection or review, to be made by such person or persons as he may direct, of the University, its buildings, hostels, libraries, equipments and systems and processes of any institution or center maintained by the University, and also of the examinations, teaching, research and other work conducted or done by the University and to cause an inquiry to be made in like manner in respect of any matter connected with the administration, academic affairs and finances of the University.

Vice-Chancellor.

12. (1) The Vice-Chancellor shall be appointed by the State Government, in consultation with the Pro-Chancellor.

(2) The qualifications and other terms and conditions of the Vice-Chancellor shall be such as may be determined by the State Government.

(3) The Vice-Chancellor shall hold office for a period of five years and shall be eligible for reappointment.

(4) Where a vacancy in the office of the Vice-Chancellor occurs on account of death, resignation or otherwise, the State Government shall appoint as soon as possible, a suitable person to be the Vice-Chancellor of the University in accordance with the provision of sub-section (1).

(5) The Vice-Chancellor may resign from his office by writing under his hand addressed to the State Government through the Pro-Chancellor, and such resignation shall take effect from the date of acceptance by the State Government.

Powers and functions of Vice-Chancellor.

13. The Vice-Chancellor shall –

- (i) exercise general supervision and control over the day to day affairs of the University;
- (ii) preside over at the meetings of the Executive Council, Academic Council and the Finance Committee;
- (iii) ensure implementation of the decisions of the authorities of the University;
- (iv) ensure that the provisions of this Act and the regulations are properly followed;
- (v) be responsible for imparting of instruction and maintenance of discipline in the University; and
- (vi) exercise such other powers and perform such other duties as may be assigned to him by or under this Act or the regulations or as may be delegated to him by the Board of Governors or by the Pro-Chancellor.

14. (1) Where any matter is of an urgent nature requiring immediate action and the same cannot be immediately dealt with by the Pro-Chancellor or any authority or body of the University empowered under this Act to deal with it, the Vice-Chancellor may take such action as he may deem fit, and shall forthwith report the action so taken by him to the authority or body of the University who or which, in the ordinary course, would have dealt with the matter.

Emergency
powers of
Vice-
Chancellor.

(2) Where the exercise of the power by the Vice-Chancellor due to urgency of matter under sub-section (1) involves the appointment of any person, such appointment shall be confirmed by the competent authority empowered to approve such appointment, in accordance with the provisions of this Act and the Regulations, not later than six months from the date of order of the Vice-Chancellor, otherwise such appointment shall cease to have effect.

15. (1) There shall be Deans, who shall be the academic officers of the University concerned with and responsible for implementation of the academic policies approved by the Academic Council in respect of academic development, maintenance of standards of teaching and training of teachers.

Deans.

(2) The Deans shall be nominated by the Vice-Chancellor from amongst the Professors of the University after having obtained the approval from the Board of Governors for the same.

(3) The Deans shall ensure proper implementation of the decisions of the Board of Governors and the Academic Council.

(4) The Deans shall assist the Vice-Chancellor in managing the academic and other affairs of the University and shall exercise such powers and discharge such duties as may be prescribed by the regulations or as may be entrusted by the Vice-Chancellor.

(5) The Deans shall inquire, on being directed by the Academic Council, into any malpractice related to any academic programme in any department or recognized or approved institution and report the findings to the Academic Council.

(6) The Deans shall prepare proposals for the award of fellowships, scholarships and other distinctions and shall submit the same to the Academic Council.

Registrar. 16. (1) The Registrar shall be appointed by the University in such manner and on such terms and conditions as may be prescribed by the regulations.

(2) The powers and functions of the Registrar shall be such as may be prescribed by the regulations.

Finance and Accounts Officer. 17. (1) The Finance and Accounts Officer shall be appointed by the University in such manner and on such terms and conditions as may be prescribed by the regulations.

(2) The powers and functions of the Finance and Account Officer shall be as may be prescribed by Regulations.

Controller of Examinations. 18. (1) The Controller of Examinations shall be appointed by the University in such manner and on such terms and conditions as may be prescribed by the regulations.

(2) The powers and functions of the Controller of Examinations shall be as may be prescribed by the regulations.

CHAPTER IV AUTHORITIES OF UNIVERSITY

Authorities of University. 19. The following shall be the authorities of the University, namely :-

- (i) the Board of Governors;
- (ii) the Executive Council;
- (iii) the Academic Council;
- (iv) the Finance Committee; and
- (v) such other authorities as may be declared by the regulations to be the authorities of the University.

Board of Governors. 20. (1) The Board of Governors of the University shall consist of the following members, namely:-

- (i) the Pro-Chancellor;
- (ii) the Vice-Chancellor;
- (iii) Secretary to the Government of Gujarat, Health and Family Welfare Department, *ex-officio* or his representative not below the rank of Deputy Secretary;

- (iv) Secretary to the Government of Gujarat, Finance Department, *ex-officio* or his representative not below the rank of Deputy Secretary;
 - (v) Commissioner, Health, Medical Education and Medical Services, Gujarat State, *ex-officio* or his representative not below the rank of Joint Director;
 - (vi) Four members, to be nominated by the State Government, from the Governing Body of the Institute, other than *ex-officio* members, out of which two members shall be academicians in the field of transplantation.
- (2) The Registrar shall be the Secretary of the Board of Governors.
- (3) (i) The term of the nominated members shall be three years and the *ex-officio* member shall continue so long as he holds the office by virtue of he is a member of the Board of Governors.
- (ii) A nominated member shall not be eligible for re-nomination for more than two terms.
- (iii) A nominated member may resign from his office by writing under his hand addressed to the Pro-Chancellor and his resignation shall take effect from the date of acceptance of such resignation.
- (iv) The members of the Board shall be entitled to such allowances as may be prescribed by the regulations.
- (4) The Board of Governors shall meet as often as may be necessary, on the dates to be fixed by the Pro-Chancellor. However, the Pro-Chancellor may, whenever he thinks fit, convene a special meeting of the Board of Governors. The rules of procedure for conduct of business to be followed at a meeting and such other matters in relation to meeting as may be necessary shall be such as may be prescribed by the regulations.
- (5) The quorum shall not be less than three members of the Board of Governors at such meeting.
- (6) Every meeting of the Board of Governors shall be presided over by the Pro-Chancellor and in his absence, by the Vice-Chancellor and in the absence of both, by a member, who is chosen by the members present at the meeting.
- (7) The members of the Board of Governors shall not be entitled to receive any remuneration from the University, except such daily and travelling allowance as may be prescribed.

21. (1) Subject to the provisions of this Act, the Board of Governors shall be responsible for the general superintendence,

**Powers and
functions of
Board of
Governors.**

direction and control of affairs of the University, and shall exercise all the powers of the University.

(2) The Board of Governors shall have the following powers, namely:-

- (i) to hold and to control the property and funds of the University and issue any general or special instructions;
- (ii) to accept the transfer and to dispose of any movable or immovable property on behalf of the University;
- (iii) to lay down policies to be pursued by the University;
- (iv) to review decisions of other authorities of the University, if they are not in conformity with the provisions of this Act or the regulations;
- (v) to approve the budget and annual report of the University with or without modification;
- (vi) to create and maintain University regional centres, research centres, animal stations and institutions;
- (vii) to approve contract of employment or amend or repeal the earlier contract of employment with or without modification;
- (viii) to delegate any power to the Vice-Chancellor, the Registrar or any committee or sub-committee or to any one or more officers of the University;
- (ix) if urgent action by the Board of Governors becomes necessary, the Pro-Chancellor may permit the business to be transacted by circulation of papers to the members of the Board of Governors; The action proposed to be taken shall not be so taken unless agreed to, by the majority of the members of the Board of Governors. The action so taken shall be forthwith intimated to all members of the Board of Governors and the papers shall be placed before the next meeting of the Board of Governors for confirmation;
- (x) to determine the form of a common seal for the University and provide for its custody and use;
- (xi) to receive and consider report of the working of the University from the Vice-Chancellor periodically as provided by the Regulations;
- (xii) to exercise such other powers and perform such other functions as may be conferred or imposed on it by or under this Act.

**Executive
Council.**

22. (1) The Executive Council shall be the principal administrative body of the University.

(2) The Executive Council of the University shall consist of the following members, namely: -

- (i) the Vice-Chancellor, who shall be the Chairman,

- (ii) Secretary to the Government of Gujarat, Health and Family Welfare Department, *ex-officio* or his representative not below the rank of Deputy Secretary;
 - (iii) Commissioner, Health, Medical Education and Research, Gujarat State, *ex-officio* or his representative not below the rank of Joint Director;
 - (iv) Two members of the Board of Governors to be nominated by it; and
 - (v) Two eminent persons in the field of transplantation sciences, to be nominated by the Board of Governors.
- (3) The Registrar shall be the Secretary of the Executive Council.
- (4) The term of office of the members other than the *ex-officio* members, shall be three years.
- (5) Any nominated member may resign from his office by writing under his hand addressed to the Vice-Chancellor and his resignation shall take effect from such date as accepted by the Vice-Chancellor.

23. The powers and functions of the Executive Council shall be as follows, namely:-

**Powers and
functions of
Executive Coun**

- (i) to remove any officer from office on grounds of wilful omission or incapacity, misconduct or refusal to carry out the provisions of this Act or violation of regulatory provisions or for abuse of the powers vested in him;
- (ii) to approve proposals for submission to the Government or national or inter-national agencies or regulatory bodies;
- (iii) to appoint such committees, whether standing or temporary, as it may deem necessary for proper functioning of the University;
- (iv) to enter into, vary, carry out and cancel contracts on behalf of the University;
- (v) to accept on behalf of the University, bequests, donations of any movable or immovable property;
- (vi) to borrow, lend or invest funds on behalf of the University on recommendation by the Finance Committee;
- (vii) to lay down policy for administering funds at the disposal of the University for specific purposes;
- (viii) to provide buildings, premises, furniture, apparatus and other means needed for the conduct of the affairs of the University;
- (ix) to create post of academic, administrative and supportive staff on the recommendation of the Academic Council as and when required;

- (x) to lay down by Regulations, on the basis of qualifications and terms and conditions of service and other guidelines approved by the State Government, from time to time, the procedure for appointment of teachers and non-vacation academic staff and fix their emoluments and norms of workload and conduct and discipline;
- (xi) to create post of officers and other employees of the University, subject to prior approval of the State Government;
- (xii) to prescribe fees and other charges;
- (xiii) to make regulations;
- (xiv) to prescribe honoraria, remunerations and fees and travelling and other allowances for paper setters, examiner and other staff involved for conduct of examination, visiting faculty and for such other services rendered to the University; and
- (xv) to exercise such other powers and perform such other functions as may be conferred or imposed on it by or under this Act.

Academic Council.

24. (1) The Academic Council shall be the principal academic body of the University and shall, subject to the provisions of this Act, have the general control and supervision over the academic policies and be responsible for maintenance of standards of teaching, instruction, education, research and examination within the University.

(2) The Academic Council of the University shall consist of the following members, namely: -

- (i) the Vice Chancellor, who shall be the Chairman;
- (ii) Deans;
- (iii) three Professors of the University by rotation, to be nominated by the Vice-Chancellor;
- (iv) two persons who are eminent academicians in the field of research in transplantation sciences to be nominated by the Vice-Chancellor.

(3) The Registrar shall be the Secretary of the Academic Council.

(4) The term of the office of the nominated members shall be three years.

(5) Any nominated member may resign from his office by writing under his hand addressed to the Vice-Chancellor and his resignation shall take effect from such date as it is accepted by the Vice-Chancellor.

Powers and functions of Academic Council.

25. The powers and functions of the Academic Council shall be as follows, namely:-

- (i) to approve proposal for conferment of an honorary degree or distinction;
- (ii) to institute and confer such degrees, diplomas, certificates and other academic distinctions and arrange for convocation for conferment of the same, as provided by Regulations;
- (iii) to institute fellowship, travelling fellowships, scholarship, studentships, exhibitions, awards, medals and prizes and prescribe rules therefore in accordance with the Regulations made in this behalf and prizes and prescribe rules therefore in accordance with the regulations;
- (iv) to collaborate with other Universities, institutions and organisations for mutually beneficial academic programmes in accordance with the regulations.

26. (1) The Finance Committee shall consist of the following members, namely :-

**Finance
Committee.**

- (i) the Vice-Chancellor, who shall be the Chairman;
- (ii) the Secretary to the Government of Gujarat, Finance Department, *ex-officio* or his representative not below the rank of the Deputy Secretary, Finance department;
- (iii) one member of the Board of Governors, to be nominated by the Board of Governors;
- (iv) one expert in the field of finance, to be nominated by the Board of Governors;

(2) The Finance and Accounts Officer shall be the Secretary of the Finance Committee.

(3) The term of office of the members other than the *ex-officio* members shall be three years.

(4) Any nominated member may resign from his office by writing under his hand addressed to the Vice-Chancellor and his resignation shall take effect from such date as it is accepted by the Vice-Chancellor.

27. Subject to the other provisions of this Act, the Finance Committee shall exercise the following powers and perform the following functions, namely:-

**Powers and
functions of
Finance
Committee.**

- (i) to examine the annual accounts and annual budget estimates of the University and to advise the Board thereon;
- (ii) to review from time to time the financial position of the University;
- (iii) to make recommendations to the Board of Governors on all financial policy matters of the University;

- (iv) to make recommendations to the Board of Governors on all proposals involving raising of funds, receipts and expenditure;
- (v) to provide guidelines for investment of surplus funds;
- (vi) to make recommendations to the Board of Governors on proposals involving expenditure for which no provision has been made in the budget or for which expenditure in excess of the amount provided in the budget needs to be incurred;
- (vii) to examine proposals relating to the revision of pay scales, up-gradation of the scales and those items which are not included in the budget, prior to placing before the Board of Governors;
- (viii) to open accounts in any scheduled bank, operate such accounts, to give instructions to the bank and to provide for the opening and operation of such accounts;
- (ix) to operate Endowment Fund, General Fund and Development Fund;
- (x) to approve the expenditure of the University to the extent and manner as may be prescribed; and
- (xi) to exercise such other powers and perform such other functions as may be conferred or imposed upon it by the regulations.

Conferment of
degrees, diplomas
and honorary
degrees, grant of
certificates by
University

28. Notwithstanding anything contained in any other law for the time being in force, the University shall have power to confer degrees, diplomas, honorary degrees, grant certificates and other academic distinctions or titles as approved by the Board of Governors on such terms and conditions, as may be prescribed.

Withdrawal of
degree or diploma
and other academic
distinction.

29. Notwithstanding anything contained in this Act, the University shall have power to withdraw degrees, diplomas, certificates and other academic distinctions awarded by it for good and sufficient reasons.

CHAPTER V UNIVERSITY FUND

University
Fund.

30. (1) The University shall establish and maintain a Fund to be called the University Fund consisting of -

- (i) any contributions or grants or loans by the State Government and the Central Government;
- (ii) any income of the University from all sources including income from fees and other charges;
- (iii) all moneys received by the University by way of grants, loans, gifts, donations, benefactions, bequests, transfers or endowments and other grants, if any;
- (iv) all moneys received by the University from the collaborating industry in terms of the provisions of the Memorandum of Understanding entered between the

University and the industry, for establishment of sponsored chairs, fellowships or infrastructure facilities of the University; and

- (v) the moneys received by the University in any other manner or from any other sources.

(2) All moneys credited to the fund of the University shall be deposited in such Scheduled Bank or Banks. The surplus fund, if any, shall be invested in such manner as the Board of Governors, on the recommendation of the Finance Committee, may direct or as per the instructions of the State Government issued from time to time in this behalf.

(3) The University Fund shall be applied towards the expenses of the University including expenses incurred in the exercise of its powers and discharge of its functions under this Act.

(4) No money from the University fund shall be spent except as otherwise provided for meeting its objectives.

CHAPTER VI FINANCE, ACCOUNTS AND ANNUAL REPORT

31. (1) The University shall maintain proper accounts and other relevant records and prepare an annual statement of accounts, including the income and expenditure statement and the balance sheet, in such form and in such manner as may be prescribed by the regulations.

Accounts, audit
and annual
report.

(2) The University shall adopt a proper system of internal checks and balances and controls in the discharge of its financial, accounting and auditing functions as may be prescribed by the regulations.

(3) The accounts of the University shall be audited every year by an auditor, who shall be a Chartered Accountant as defined by clause (b) of sub-section (1) of section 2 of the Chartered Accountants Act, 1949 or a firm of Chartered Accountants, to be appointed by the Board of Governors.

38 of 1949.

(4) The accounts of the University certified by the Chartered Accountant or a firm of Chartered Accountants so appointed together with the audit report thereon shall be placed before the Board of Governors and the Board of Governors may issue such instructions and directions to the Vice-Chancellor in respect thereof as it deems fit and the Vice-Chancellor shall comply with such instructions and directions.

(5) The accounts of the University shall be audited by an internal auditor who shall be a Chartered Accountant or a firm of Chartered Accountants appointed by the Board of Governors, to ensure

concurrent audit of all books of accounts and such periodic internal audit reports shall be placed before the Board of Governors for review.

(6) The University shall prepare in each financial year an annual report containing such particulars as the Board of Governors may specify and submit the same to the Board of Governors on or before such date as may be prescribed. The Board of Governors shall consider such report and may pass resolutions thereon.

(7) The copy of the annual report along with the resolution of the Board of Governors thereon shall be submitted to the State Government.

Pension,
provident fund
and insurance.

32. (1) The University shall, with the approval of the Board of Governors, constitute for the benefit of its officers, teachers and other employees, in such manner and subject to such conditions as may be prescribed, such schemes of pension, provident fund and insurance as it may deem fit.

(2) Where any such provident fund has been constituted, the provisions of the Provident Funds Act, 1925 shall apply to such fund as if it were a Government Provident Fund.

19 of 1925.

CHAPTER VII MISCELLANEOUS

Acts and
proceedings not
to be invalidated
by vacancies.

33. No act or proceedings of the Board of Governors or any authority of the University or any Committee or Council constituted under this Act or by regulations shall be questioned on the ground merely of the existence of any vacancy in or defect of, in the constitution of, such Board of Governors, authority or Committee or Council of the University.

Returns and
information.

34. The University shall furnish to the State Government, University Grants Commission and other statutory authorities such reports, returns, statements and other information as may be required by them or under any law for the time being in force, from time to time.

Officers and
employees to be
public servants.

35. Every officer, teacher and employee of the University shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

Explanation.—For the purposes of this section, any person, who is appointed by the University for a specified period or a specified work of the University or, who receives any remuneration by way of allowances or fee for any work done from the University Fund, shall be deemed to be an officer or employee of the University while he is performing the duties and functions connected with such appointment or work.

36. (1) No officer or employee or member of the teaching, non-teaching and other academic staff of the University shall be terminated, dismissed or removed or reduced in rank except after an inquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges.

Dismissal, removal, reduction or termination of services of staff of University.

(2) An appeal against an order under sub-section (1) shall be preferred to the Pro-Chancellor within ninety days from the date of communication of such order and the decision of the Pro-Chancellor in such appeal shall be final.

37. The State Government shall have power to issue directions from time to time as may be required for compliance of the provisions of this Act, the regulations and under any other law for the time being in force and the University shall be bound to comply with such directions.

Power of State Government to give directions.

38. (1) Subject to the provisions of this Act, the Executive Council shall have, in addition to all other powers vested in it, the power to make regulations to provide for the administration and management of the affairs of the University. The regulations shall be ratified by the Board of Governors.

Power to make regulations.

(2) In particular and without prejudice to the generality of the foregoing powers, such regulations may provide for all or any of the following matters, namely:-

- (i) the summoning and holding of meetings of the authorities of the University, other than the first meeting of the Board of Governors, and the quorum and conduct of business at such meeting;
- (ii) the other powers and functions to be exercised and discharged by the Pro-Chancellor, Vice-Chancellor, Deans, Registrar, Finance and Accounts Officer and other Officers of the University;
- (iii) the constitution, powers and duties of the authorities, bodies and other committees of the University, the qualifications and disqualifications for membership of such authorities, term of office of the membership, appointment and removal of members thereof and other matters connected therewith;
- (iv) the other powers and functions to be exercised and discharged by the Executive Council, Academic Council, Finance Committee and other authorities which may be constituted;
- (v) to approve the expenditure of the University to the extent and in the manner by the Finance Committee;
- (vi) procedure to be followed by the Board of Governors and any Committee or other body constituted by or under this

- Act in the conduct of the business, exercise of the powers and discharge of the functions;
- (vii) procedures and criteria to be followed in establishing courses of study and admission of students;
 - (viii) procedure to be followed for enforcing discipline in the University;
 - (ix) management of the properties of the University;
 - (x) degrees, diplomas, certificates and other academic distinctions or titles which may be conferred or granted by the University and withdrawal or cancellation of any such degrees, diplomas, certificates and other academic distinctions or titles and the requirements thereof; and to confer honorary degrees or other distinctions in the prescribed manner;
 - (xi) the conduct of examinations including the term of office and appointment of examiners;
 - (xii) the creation of posts of Directors, Professors, Associate Professors, Assistant Professors, Deans, Readers, Lecturers or equivalent academic and administrative designations or posts, officers and employees of the University, and the appointment of persons to such posts including the qualifications requisite therefore;
 - (xiii) the fees and other charges to be paid to the University for the courses, training, facilities and services provided by it;
 - (xiv) the manner and conditions for constitution of insurance, pension and provident funds and such other schemes for the benefits of officers, teachers and other employees of the University;
 - (xv) the terms and conditions for association of the University with other institutions;
 - (xvi) the preparation of budget estimates and maintenance of accounts;
 - (xvii) the mode of execution of contracts or agreements by or on behalf of the University;
 - (xviii) the classification and procedure for appointment of officers, employees and other staff of the University;
 - (xix) the terms, conditions and tenure of appointments, salaries and allowances, contractual services, rules of discipline and other conditions of service of the Vice Chancellor, officers, teachers and other employees of the University;
 - (xx) the terms and conditions governing deputation of officers, teachers and other employees of the University;
 - (xxi) the powers and duties of the Vice-Chancellor, Directors, Professors, Associate Professors, Assistant Professors, Deans, Readers, Lecturers and other officers, teachers and employees of the University;
 - (xxii) the terms and conditions governing fellowships, scholarships, stipends, medals and prizes;

- (xxiii) the authentication of the orders and the decisions of the Board of Governors;
- (xxiv) the matters relating to hostels and housing for faculties, officers and employees and guest house including disciplinary control therein; and
- (xxv) all matters which, by this Act, are to be or may be prescribed.

39. No suit, prosecution or other legal proceedings shall lie against and no damage shall be claimed from the University, Pro-Chancellor, Vice-Chancellor, Directors, Professors, Associate Professors, Assistant Professors, Deans, Readers, Lecturers authorities or Officers or employees of the University or any other person in respect of anything which is done in good faith or purporting to be done in pursuance of this Act or any regulations made thereunder.

Indemnity and legal proceedings.

40. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the *Official Gazette*, make such provisions not inconsistent with the provisions of this Act, as may appear to be necessary for removing difficulties:

Power to remove difficulties.

Provided that no such order shall be made under this section after the expiry of three years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before the State Legislature.

41. Notwithstanding anything contained in this Act or the regulations, any student of Smt. Gulabben Rasiklal Doshi and Kamalaben Mafatlal Mehta Institute of Kidney Diseases and Research Centre- - Dr. H.L. Trivedi Institute of Transplantation Sciences (IKDRC-ITS), Ahmedabad who immediately before the commencement of this Act was studying and was eligible for any examination of the Gujarat University, National Board of Examinations-New Delhi, Indian College of Pathologists- Goa, or any other recognized examination forum, as the case may be, shall be permitted to complete his course in preparation therefore and the University shall provide for the instruction, teaching, training and examination of such students, in accordance with the courses of studies of the Gujarat University-Ahmedabad, National Board of Examinations- New Delhi, Indian College of Pathologists-Goa, or any other recognized examination forum, as the case may be, in such manner and for such period as may be prescribed.

Completion of courses of students.

CHAPTER VIII TRANSITORY PROVISIONS

42. Notwithstanding anything contained in this Act -

Transitory provisions for first Officers a officials of University.

- (i) the person holding the post of the Director of IKDRC-ITS, Ahmedabad, immediately before the commencement of this Act, shall be the first Pro-Chancellor of the University for a period of five years;
- (ii) the person holding the post of the Deputy Director of IKDRC-ITS, Ahmedabad, immediately before the commencement of this Act, shall be the first Vice-Chancellor of the University for a period of five years.
- (iii) the person holding the post of the Officer on Special Duty of the IKDRC-ITS, Ahmedabad, immediately before the commencement of this Act, shall be the first Registrar of the University for a period of two years;
- (iv) other officials and Faculties of the IKDRC-ITS, Ahmedabad, functioning immediately before the commencement of this Act, shall be deemed to be the officials and Faculties of the University and shall function as such until the appointments are made against the respective posts;
- (v) the existing officers and employees of the IKDRC-ITS, Ahmedabad shall be deemed to be the officers and employees of the University subject to fulfillment of eligibility criteria and approval of the Executive Council.

**Powers of First
Vice-Chancellor.**

43. The first Vice-Chancellor may, with the prior approval of the Pro-Chancellor and subject to availability of the funds, discharge all or any of the functions of the University for the purpose of carrying out the provisions of this Act and the regulations and for that purpose, may exercise any powers or perform any duties which, by or under this Act and regulations, are to be exercised or performed by any authority of the University until such authority is constituted in accordance with the provisions of this Act or the regulations.

STATEMENT OF OBJECTS AND REASONS

There are Medical Colleges and Universities in the country and the State, catering to the needs of the Medical University. However, transplantation is a new science requiring long time commitment to understand, learn and practice. This needs extraordinary efforts, commitment and educate the medical professionals for several years and it is very difficult to incorporate such educational programmes at the level of a Medical University since such type of structured programmes are not incorporated by the Medical Council of India.

Smt.G. R. Doshi and K.M. Mehta Institute of Kidney Diseases and Research Centre (IKDRC) and Dr. H.L. Trivedi Institute of Transplantation Sciences (ITS), Ahmedabad, is the largest tertiary care centre of its kind in the world. The said Institute is one of the best in the world in terms of research, service and education. Active post-graduate teaching programmes in Nephrology, Urology, Anesthesia, and Pathology are ongoing for last twenty-five years.

The State Government has considered it necessary to give the said Institution a status of University as at present there is no well-developed curriculum established courses for the development of transplantation sciences in India and that one of the major functions of this University will be to develop, education and research programmes in the areas of transplantation sciences as well as prevention of End Organ Failure. The University shall include the education and research related to Multiple Organ and Cell Transplant under one roof. The University shall offer Ph.D. courses in Transplantation Immunology, Renal Physiology, Bio-chemistry and Micro-biology, a post-graduate degree of M.D. in Critical Care Medicine, Transfusion Medicine, Surgical Medicine, a degree of D.M. in various disciplines of Medical Science such as Cell Transplantation Medicine, Liver and Transplant Pathology, Infectious Diseases, Solid Organ Transplantation Medicine, etc. and as also other various certificate and para-medical courses. This courses will improve, boost and upgrade existing academic environment and shall give the society the experts in various discipline of Medicine as stated above who are not available at present in required number to cater the need of the patients.

The University shall develop organisation of teaching and research. It will be the centre of excellence for providing Medical Care, educational and research facilities of high order in the field of transplantation and allied sciences in the existing super-specialities and such other super-specialities as may develop in future including Cell and Tissue Transplantation, Solid Organ Transplantation, Composite Tissue Transplantation, Xeno Transplantation and translational research in humans, animals, micro-organisms, and viruses.

This Bill seeks to achieve the aforesaid objects.

The following notes on clauses explain, in brief, some of the important provisions of the Bill: -

Clause 1.- This clause provides for short title and commencement.

Clause 2.- This clause defines certain terms used in the Bill.

Clauses 3 and 4.- These clauses provide for establishment and incorporation of the Gujarat University of Transplantation Sciences and its headquarters.

Clauses 5 and 6.- These clauses provide for the jurisdiction and the objects of the University.

Clause 7.- This clause provides for the powers and functions of the University.

Clause 8.- This clause provides that the University shall be open to all irrespective of their sex, race, creed, caste, class, place of birth, nationality, religious belief or political or other opinion.

Clause 9.- This clause provides for the officers of the University.

Clauses 10 and 11.- These clauses provide for the qualification, other terms and conditions of service for appointment of the Pro-Chancellor of the University and his powers.

Clauses 12 to 14.- These clauses provide for the appointment, qualification, other terms and conditions of service and the powers and functions of the Vice-Chancellor and also the emergency powers of the Vice-Chancellor.

Clause 15.- This clause provides for the nomination of Deans, and also provides for qualification, other terms and conditions and the functions and duties of the Deans.

Clauses 16 to 18.- These clauses provide for the appointment of the Registrar, Finance and Accounts Officer and the Controller of Examinations of the University and also provide for the manner of appointment, terms and conditions and their powers and functions.

Clause 19.- This clause provides for the authorities of the University.

Clauses 20 and 21.- This clauses provides for the constitution of the Board of Governors, term of members of the Board, re-nomination of members, resignation of the nominated members and payment of allowances to the members of the Board, meetings of the Board, quorum at the meetings and the powers and functions of the Board of Governors.

Clauses 22 to 27.- These clauses provide for the constitution of Executive Council, Academic Council and Finance Committee of the University, term of members of the Council and Committee, resignation of members and their powers and functions.

Clauses 28 and 29.- These clauses provide for the power of the University to confer and withdraw degrees, diplomas, honorary degrees, grant certificates and other academic distinctions or titles as approved by the Board of Governors.

Clause 30.- This clause provides for establishment and maintenance of the University Fund, the moneys to be credited to the University Fund, deposit in the Scheduled Banks and the manner of investment of the surplus fund and the application of the fund towards the expenses of the University.

Clause 31.- This clause provides for the manner of preparation and maintenance of the accounts of the University, internal check of the accounts of University, audit by a Chartered Accountant or a firm of Chartered Accountant and annual report of the University and placing the audit report before the Board of Governors and submission of audit reports to the State Government.

Clause 32.- This clause provides for the pension, provident fund and insurance for the benefits of its officers, teachers and other employees.

Clause 33.- This clause provides that no act or proceeding of the Board of Governors or any authority or any committee of the University shall be invalidated on the ground merely by reason of any vacancy in its membership or any irregularities in its procedure.

Clause 34.- This clause provides for furnishing of the returns and information to the University, the State Government, the University Grants Commission and other statutory authorities.

Clauses 35 and 36.- These clauses provide that all the officers, teachers and employees shall be deemed to be the public servant; and also provide for dismissal, removal, reduction or termination of services of staff of University and also for appeal against such action.

Clause 37.- This clause provides for the power of the State Government to give directions to the University and the University shall be bound to comply with such directions.

Clause 38.- This clause provides for the powers of the Executive Council to make regulations for the matters specified therein and also for the such other matters to be regulated by the regulations.

Clause 39.- These clause provide for usual indemnity for acts done in good faith.

Clause 40.- This clause empowers the State Government to remove difficulties arising in giving effect to the provisions of the Act, within a period of three years from the commencement of this Act.

Clause 41.- This clause provides for the manner and period to be prescribe for completion of courses of the students of Smt. Gulabben Rasiklal Doshi and Kamalaben Mafatlal Mehta Institute of Kidney Diseases & Research Centre - Dr. H.L.Trivedi Institute of Transplantation Sciences (IKDRC-ITS) studying immediately before the commencement of the Act and were eligible for any examination of the Gujarat University, the National Board of Examinations, New Delhi, the Indian College of Pathologists, Goa, or any other recognised examination forum, as the case may be.

Clause 42. This clause provides for the transitory provisions for the appointment of first Pro-Chancellor, first Vice-chancellor and the first Registrar of the University and also provides that the existing officials, faculty and the employees of the Institute shall be deemed to be the officials, faculty and the employees of the University subject to fulfillment of eligibility criteria and approval of the Executive Council.

Clause 43.- This clause provides for the powers of the first Vice-Chancellor to perform any duties which are to be exercised or performed by any authority of the University until such authority comes into existence in accordance with the provisions of the Act and the regulations.

NITIN PATEL,

FINANCIAL MEMORANDUM

Item (i) of *sub-clause (1) of Clause 30* of the Bill contemplates the payment of contribution or the grants to the University among others by the State Government. In his budget speech for the year 2015-16, the Finance Minister has earmarked and made a provision of rupees fifteen crores for the establishment of the University.

NITIN PATEL,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill provide for delegation of legislative powers in the following respects:-

Clause 1.- Sub-clause (2) of this clause empowers the State Government to appoint by notification in the *Official Gazette*, the date on which the Act shall come into force.

Clause 7.- (i) Sub-clause (v) of this clause empowers the Executive Council to prescribe by the regulations, the conditions and manner for holding of examinations and the conferment of degrees, diplomas certificate or other academic distinctions or titles including honorary degrees, by the University;

(ii) sub-clause (vii) of this clause empowers the Executive Council to prescribe by the regulations for creation of posts, the qualifications for appointment of teaching, research, extension education, administrative and other ministerial staff ;and for making appointment and other purposes;

(iii) sub-clause (ix) of this clause empowers the Executive Council to prescribe by regulations, to fix fees and other charges and manner for demand, receive and recover such fees and charges;

(iv) sub-clause (xiii) of this clause empowers the Executive Council, to prescribe by regulations, the rules for teaching, administrative and support staff;

(v) sub-clause (xvii) of this clause empowers the Executive Council to prescribe by regulations, the manner in which the University shall institute and award degrees, diploma certificates and other academic distinctions; it also empowers to prescribe the conditions for carrying the research work;

(vi) sub-clause (xix) of this clause empowers the Executive Council to prescribe by regulations, the conditions for withholding the award of degree, title, diploma and other academic distinctions.

Clause 9.- Sub-clause (vii) of this clause empowers the Executive Council to declare by the regulations, such other persons, to be the officers of the University.

Clause 13.- Sub-clause (vi) of this clause empowers the Executive Council, to prescribe by the regulations, such other powers and duties of the Vice--Chancellor.

Clause 15.- Sub-clause (4) of this clause empowers the Executive Council to prescribe by the regulations, the powers and the duties of the Deans.

Clause 16.- (i) Sub-clause (1) of this clause empowers the Executive Council to prescribe by the regulations, the manner in which and the terms and conditions on which the Registrar shall be appointed;

(ii) sub-clause (2) of this clause empowers the Executive Council to prescribe by the regulations, the powers and functions of the Registrar.

Clause 17.- (i) Sub-clause (1) of this clause empowers the Executive Council to prescribe by the regulations, the manner in which and the terms and conditions on which the Finance and Accounts Officer shall be appointed;

(ii) sub-clause (2) of this clause empowers the Executive Council to prescribe by the regulations, the powers and functions of the Finance and Accounts Officer.

Clause 18.- (i) Sub-clause (1) of this clause empowers the Executive Council to prescribe by the regulations, the manner in which and the terms and conditions on which the Controller of Examinations shall be appointed;

(ii) sub-clause (2) of this clause empowers the Executive Council to prescribe by the regulations, the powers and functions of the Controller of Examinations.

Clause 19.- Sub-clause (v) of this clause empowers the Executive Council to declare by the regulations, such other authorities, to be the authorities of the University.

Clause 20.- (i) Para (iv) of sub-clause (3) and sub-clause (7) of this clause empowers the Executive Council to prescribe by the regulations, such daily and travelling allowance (except any remuneration) which the members of the Board of Governors shall be entitled to;

(ii) sub-clause (4) of this clause empowers the Executive Council to prescribe by the regulations, the rules of procedure for conduct of business to be followed at a meeting and such other matters in relation to meeting of the Board of Governors;

Clause 23.- (i) Sub-clause (xii) of this clause empowers the Executive Council to prescribe by regulations, the fees and other charges to be paid to the University;

(ii) sub-clause (xiii) of this clause empowers the Executive Council to prescribe by regulations, the honoraria, remunerations and fees and travelling and other allowances for paper setters, examiners and other staff involved for conduct of examination, visiting faculty and for such other services rendered to the University.

Clause 25.- Sub-clause (iii) of this clause empowers the Academic Council to prescribe the rules in accordance with the regulations, for institution of fellowships, travelling fellowships, scholarships, studentships, exhibitions, awards, medals and prizes.

Clause 28.- This clause empowers the Executive Council to prescribe by regulations, the terms and conditions on which the University shall confer degrees, diplomas, honorary degrees, grant certificates and other academic distinctions or titles.

Clause 31.- (i) Sub-clause (1) of this clause empowers the Executive Council to prescribe by regulations, the manner and the form in which the accounts, other relevant records, annual statement of accounts, the income and expenditure statement and balance sheet shall be maintained;

(ii) sub-clause (2) of this clause empowers the Executive Council to prescribe by regulations, proper system of internal checks and balances and controls in the discharge of its financial, accounting and auditing functions;

(iii) sub-clause (6) of this clause empowers the Executive Council to prescribe by regulations, for preparation of annual report by the University in each financial year; and the date by which the same shall be submitted to the Board of Governors.

Clause 32.- Sub-clause (1) of this clause empowers the Executive Council to prescribe regulations relating to manner and conditions subject to which the University shall prepare schemes for pension and insurance ; and constitute provident fund for the benefit of its officers, teachers and other employees of the University.

Clause 38.- Sub-clause (1) of this clause empowers the Executive Council to prescribe regulations, for administration and management of affairs of the University; and sub-clause (2) empowers to make regulations for all or any of the matters specified therein.

Clause 40.- This clause empowers the State Government to make by an order published in the *Official Gazette*, such provisions not inconsistent with the provisions of the Act, to remove any difficulty arising within the period of three years, as appear to be necessary or expedient for removing the difficulties.

Clause 41.- This clause empowers the Executive Council to prescribe by regulations, the manner in which and the period within which the courses of studies of any student, of Smt. Gulabben Rasiklal Doshi and Kamalaben Mafatlal Mehta Institute of Kidney Diseases and Research Centre- Dr. H. L. Trivedi Institute of Transplantation Sciences (IKDRC-ITS), Ahmedabad, was studying and was eligible for any examination of the Gujarat University- Ahmedabad, National Board of

Examinations- New Delhi, Indian College of Pathologists-Goa, or any the recognized examination forum shall be completed.

The delegation of legislative powers as aforesaid is necessary and is of a normal character.

Dated the 16th March, 2015.

NITIN PATEL.

By order and in the name of the Governor of Gujarat,

C. J. Gothi,

Gandhinagar,
Dated the 16th March, 2015.

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.



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PART - V

Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso for rule 127A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT COURT-FEES (AMENDMENT) BILL, 2015.

GUJARAT BILL NO. 11 OF 2015.

A BILL

further to amend the Gujarat Court-fees Act, 2004.

It is hereby enacted in the Sixty-sixth Year of the Republic of India as follows :-

1. (1) This Act may be called the Gujarat Court-fees (Amendment) Act, 2015.

Short title and commencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Guj. 4 of 2004.

2. In the Gujarat Court-fees Act, 2004 (hereinafter referred to as "the principal Act"), in section 2, after clause (b), the following clause shall be inserted, namely :-

Amendment of section 2 of Guj. 4 of 2004.

"(bb) "e-payment" means payment or refund of court-fees under this Act by electronic mode or a system devised for that purpose, in the manner as may be prescribed."

Amendment of
section 16 of
Guj. 4 of 2004.

3. In the principal Act, the existing section 16 shall be renumbered as sub-section (1) of that section, and after sub-section (1) as so renumbered, the following sub-section shall be added, namely :-

“(2) The Collector shall refund such fees as provided under sub-section (1), in money which may also be made by e-payment.”.

Amendment of
section 17 of
Guj. 4 of 2004.

4. In the principal Act, the existing section 17 shall be renumbered as sub-section (1) of that section and after sub-section (1) as so renumbered, the following sub-section shall be added, namely :-

“(2) The Collector shall refund such fees as provided under sub-section (1), in money which may also be made by e-payment.”.

Amendment of
section 21 of
Guj. 4 of 2004.

5. In the principal Act, in section 21, after the words “or repay the same in money,” the words “which may also be made by e-payment” shall be inserted.

Amendment of
section 37 of
Guj. 4 of 2004.

6. In the principal Act, in section 37, -

- (i) in sub-section (1), after the words “shall be collected by stamps”, the words “or by e-payment” shall be inserted;
- (ii) in the marginal note, the words “by stamp” shall be deleted.

Substitution of
section 38 of
Guj. 4 of 2004.

7. In the principal Act, for section 38, the following section shall be substituted, namely :-

Stamps to be
impressed or
adhesive.

“38. In case where the payment of court-fees is made by stamps, the stamps so used shall be impressed or adhesive or partly impressed or partly adhesive, as the State Government may, by notification in the *Official Gazette*, from time to time, direct.”.

Amendment of
section 39 of
Guj. 4 of 2004.

8. In the principal Act, in section 39, -

- (i) in clause (c), the word “and” shall be deleted;
- (ii) in clause (d), the word “and” shall be added at the end;
- (iii) after clause (d), the following clause shall be inserted, namely :-

“(e) the manner of payment of court-fees and refund thereof by e-payment.”.

9. In the principal Act, to section 42, the following proviso shall be inserted, namely :-

Amendment of
section 42 of
Guj. 4 of 2004.

“Provided that where court-fees is paid by e-payment, the officer competent to cancel the stamps shall verify the genuineness of the payment and after satisfying himself that the court-fees is paid, shall lock the entry in the computer and make an endorsement under his signature on the document that the court-fees is paid and the entry is locked.”.

STATEMENT OF OBJECTS AND REASONS

Under the existing provisions of the Gujarat Court-Fees Act, 2004 (Guj. 4 of 2004), all fees chargeable are collected by impressed or adhesive stamps. In the recent time, there has been huge spurt in litigation and, therefore, the demand of court-fees stamps is increasing day by day and as a result of which there have been instances of short supply of the court-fees stamps. To overcome this problem, it is proposed to make the provisions in the said Act to the effect that the court-fees can also be paid by way of e-payment alongwith existing method of payment of court-fees by way of the impressed or adhesive stamp and for that purpose the relevant provisions of the Act are proposed to be amended suitably. It is also proposed to amend certain provisions of the Act for refund of the court-fees by way of e-payment.

This Bill seeks to amend the said Act to achieve the aforesaid objects.

PRADEEPSINH JADEJA,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves the delegation of legislative powers in following respects:-

Clause 1.- Sub-clause (2) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force.

Clause 2.- New clause (bb) proposed to be inserted in section 2 by this clause empowers the State Government to prescribe by rules, the manner of e-payment and refund of the court-fees.

Clause 7.- Section 38 proposed to be substituted by this clause empowers the State Government to direct by notification in the *Official Gazette*, that how stamps shall be impressed or adhesive or partly impressed or partly adhesive, in case where the payment of court-fees is made by stamps.

The delegation of legislative powers as aforesaid is necessary and is of a normal character.

Dated the 16th March, 2015.

PRADEEPSINH JADEJA.

By order and in the name of the Governor of Gujarat,

Gandhinagar,
Dated the 16th March, 2015

C. J. GOTH,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.



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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT MONEY-LENDERS (AMENDMENT) BILL, 2015.

GUJARAT BILL NO. 12 OF 2015.

A BILL

further to amend the Gujarat Money-Lenders Act, 2011.

It is hereby enacted in the Sixty-sixth Year of the Republic of India as follows :-

1. (1) This Act may be called the Gujarat Money-Lenders (Amendment) Act, 2015.

Short title and commencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Guj. 14 of 2011.

2. In the Gujarat Money-Lenders Act, 2011 (hereinafter referred to as "the principal Act"), in section 22, in sub-section (1), for the words "thirty days", the words "forty-five days" shall be substituted.

Amendment of section 22 of Guj. 14 of 2011.

V-EX.- 12-1

12-1

Amendment of
section 23 of
Guj. 14 of 2011.

3. In the principal Act, in section 23, for sub-section (1), the following sub-section shall be substituted, namely:-

“(1) The accounts of every Money-Lender shall be audited atleast once in every year by such officer as may be specified by the State Government by notification in *Official Gazette*, in respect of those money-lenders who have made transactions upto rupees fifty lacs and in other cases by a person who is a Chartered Accountant within the meaning of the Chartered Accountants Act, 1949 or a firm of Chartered Accountants; and the audit report shall be submitted to the Registrar within such period as may be prescribed.”.

38 of 1949.

Amendment of
section 43 of
Guj. 14 of 2011.

4. In the principal Act, in section 43, -

- (i) the words “with imprisonment for a term which may extend to one year and” shall be deleted;
- (ii) in the proviso, -
 - (a) in clause (i), the words “such imprisonment shall not be less than one month and” shall be deleted;
 - (b) in clause (ii), the words “such imprisonment shall not be less than six months and” shall be deleted.

STATEMENT OF OBJECTS AND REASONS

The State Government has enacted the Gujarat Money-Lenders Act, 2011 to regulate the transactions of money lending in the State. It is experienced while administering the said Act that certain provisions of the Act are required to be amended suitably so as to remove the hardships being faced by the money-lenders.

It is, therefore, proposed to amend section 22 of the said Act where under the money-lender will now be required to deliver a yearly statement of the outstanding amount to every debtor within forty-five days instead of thirty days, after the expiry of the year.

It is also proposed to amend the provisions of section 23 to the effect that the accounts of those money-lenders who have made transactions upto Rs. 50 lacs shall be audited by such officer as may be notified by the State Government and in other cases such audit shall be made by a Chartered Accountant.

It is also proposed to amend the provisions of section 43 for doing away with the provision of imprisonment as the imprisonment prescribed for contravention of provisions of section 21 or 22 which are of administrative nature and such stringent provision of imprisonment does not seem necessary for omission of not keeping certain registers and information as required under the said sections. However, for breach of the provision of said sections, the present provisions of the fine are kept intact which appear to be enough and would serve the purpose.

This Bill seeks to amend the said Act to achieve the aforesaid objects.

BABUBHAI BOKHIRIA,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves the delegation of legislative powers in following respects:-

Clause 1.- Sub-clause (2) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force.

Clause 3.- Sub-section (1) of section 23 proposed to be substituted by this clause empowers the State Government to specify by notification in the *Official Gazette*, the officer who shall audit the accounts of the money-lenders who have made transactions upto rupees fifty lacs and also empowers to prescribe by rules the period within which the audit report shall be submitted to the Registrar.

The delegation of legislative powers as aforesaid is necessary and is of a normal character.

Dated the 17th March, 2015.

BABUBHAI BOKHIRIA.

By order and in the name of the Governor of Gujarat,

C. J. GOTHI,

Gandhinagar,
Dated the 18th March, 2015.

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.



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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT AGRICULTURAL PRODUCE MARKETS (AMENDMENT) BILL, 2015.

GUJARAT BILL NO. 13 OF 2015.

A BILL

*further to amend the Gujarat Agricultural
Produce Markets Act, 1963.*

It is hereby enacted in the Sixty-sixth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Agricultural Produce Markets (Amendment) Act, 2015. Short title and commencement.
- (2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.
2. In the Gujarat Agricultural Produce Markets Act, 1963 (hereinafter referred to as "the principal Act"), in section 11, - Amendment of section 11 of Guj. XX of 1964.
 - (1) in sub-section (1), -
 - (a) for clause (i), the following clause shall be substituted, namely :-

“(i) eight agriculturists, whose names are enlisted in the voters’ list published by the Election Commission of India for such market area, shall be elected by the members of managing committee of the Primary Agricultural Credit Co-

operative Societies dispensing agricultural credit in the market area;”;

(b) in clause (ii), the words “who have traded in full conformity with the terms and conditions of the licence in the previous financial year and the fees payable by them has not remained unpaid” shall be added at the end;

(c) in clause (iii), for the words “situate in the market area and holding general licences,”, the words and letters “situate in the market area, holding general licences, engaged in the business in conformity with their respective objects and have their last accounts audited in class A, B or C, as the case may be,” shall be substituted;

(2) after sub-section (1), the following sub-section shall be inserted, namely :-

“(1A) Nothing contained in clauses (i), (ii) and (iii) of sub-section (1), shall be applicable to the market committees existing on the date of commencement of the Gujarat Agricultural Produce Markets (Amendment) Act, 2015 till the expiry of its term.”;

Guj. of
2015.

(3) in sub-section (4),-

(i) in clause (a), for the words “four years”, the words “five years” shall be substituted;

(ii) to clause (a), the following proviso shall be inserted, namely :-

“Provided that the term office of the existing market committee on the date of commencement of the Gujarat Agricultural Produce Markets (Amendment) Act, 2015, shall be four years.”;

Guj. of
2015.

(iii) to clause (b), the following provisos shall be inserted, namely :-

“Provided that the term of the office of the Chairman and the Vice-Chairman of the Market Committee shall be two and a half years but shall not extend beyond the term of the market committee:

Guj. of
2015.

Provided further that the term of the office of the Chairman and the Vice-Chairman who have completed the term of two and a half years on the date of commencement of the Gujarat Agricultural Produce Markets (Amendment) Act, 2015, shall be co-extensive with the term of the market committee.”.

3. In the principal Act, in section 13, -

Amendment of
section 13 of
Guj. XX of 1964.

(1) the existing sub-section (1) shall be renumbered as clause (i) of that sub-section and in clause (i) as so renumbered, -

(i) the words “on the recommendation of the market committee supported by atleast two-thirds of the whole number of members” shall be deleted;

(ii) first proviso to clause (i) shall be deleted;

(2) after clause (i), the following clause shall be added, namely :-

“(ii) A member, if removed under clause (i), shall be disqualified to be eligible for becoming a member of the same market committee for a period of six years.”.

4. In the principal Act, after section 13, the following section shall be inserted, namely:-

Insertion of new
section 13A in
Guj. XX of 1964.

Disqualification
of a member of
market
committee.

“13A. In case where a member of the market committee who is sued under section 50 and is found guilty of misapplication of its money, he shall cease to be a member of such market committee and shall be disqualified for a period of six years for being a member of that committee.”.

5. In the principal Act, in section 17, for sub-section (1), the following sub-section shall be substituted, namely:-

Amendment of
section 17 of
Guj. XX of 1964.

“(1) Every market committee shall elect one of its members who is an agriculturist, from the members of the classes specified in clauses (i) and (iii) of sub-section (1) of section 11, to be its Chairman and another member from the members of the classes specified in clauses (i), (ii) and (iii) of sub-section (1) of section 11, to be its Vice-Chairman in such manner as may be prescribed.”.

6. In the principal Act, after section 17, the following section shall be inserted, namely:-

Insertion of new
section 17A in
Guj. XX of 1964.

Motion of no-confidence against Chairman or Vice-Chairman. “17A. (1) One-third of the total number of members of the market committee intending to move a motion of no-confidence against the Chairman or the Vice-Chairman, as the case may be, may give a notice thereof to the Director, where the Deputy Director and District Registrar (Co-operative Societies) is the member of such committee; and to the Deputy Director and the District Registrar (Co-operative Societies) where the Co-operative Officer (Marketing) is the member of such committee:

Provided that no such no-confidence motion shall be moved against the Chairman or, as the case may be, the Vice-Chairman, unless he has completed a period of six months in his office:

Provided further that no such no-confidence motion shall be moved again within six months from the date such motion had failed earlier.

(2) The Director or the Deputy Director and District Registrar referred to in sub-section (1) or any officer authorised by him shall convene an extra-ordinary general meeting of the members of the market committee within thirty days of the receipt of the notice of such no-confidence motion to decide on such motion by method of secret ballot voting.

(3) Where the no-confidence motion is carried by the majority of not less than two-thirds of the total number of members present at the meeting and voting, the Chairman or, as the case may be, the Vice-Chairman shall cease to hold the office.”.

Amendment of section 26 of Guj. XX of 1964. 7. In the principal Act, the existing section 26 shall be renumbered as sub-section (1) of that section and after sub-section (1) as so renumbered, the following sub-section shall be added, namely :-

“(2) Notwithstanding anything contained in this Act, a market committee shall, as directed by the Director with the approval of the State Government, in the circumstances and exigencies which warrant such directions, carry on the business of buying or selling of such agricultural produce or of processing of such agricultural produce for sell, for a specified period for which such market committee shall not require any licence under this Act.”.

Amendment of section 27 of Guj. XX of 1964. 8. In the principal Act, in section 27, -

(1) in sub-section (1), after the words “a general licence or a special licence”, the words “within ninety days of making an application for such licence” shall be inserted;

(2) to sub-section (1), the following proviso shall be inserted, namely :-

“Provided that the general licence shall be granted or renewed only for the purchase and sale of such agricultural produce as has been declared by the Director under section 5 of this Act.”;

(3) in sub-section (3), -

(i) in clause (iv), the word “or” shall be added at the end;
(ii) after clause (iv), the following clauses shall be inserted, namely :-

“(v) if, the licensee has not carried out the sale and purchase of agricultural produce for which the licence has been granted or renewed in conformity with the terms and conditions of the licence for the entire previous financial year;

(vi) if, the market fee payable under section 28 of this Act remains unpaid :”.

9. In the principal Act, in section 28, after sub-section (2), the following sub-section shall be added, namely:- **Amendment of section 28 of Guj. XX of 1964.**

“(3) (i) The market committee shall allow the trade in those items of the agricultural produce which are not specified in the notification published under sub-section (1) of section 5 for such market area.

(ii) The market committee may collect user charges for allowing the trade as provided in clause (i), at the rate not less than thirty paise in rupee and not exceeding two rupees per every hundred rupees.”.

10. In the principal Act, in section 31C, in sub-section (2), in clause (a), **Amendment of section 31C of Guj. XX of 1964.**

(i) in sub-clause (i), after the word “process”, the words “and trade” shall be inserted;
(ii) sub-clause (ii) shall be deleted.

11. In the principal Act, in section 31D, in sub-section (3), for the words, figures and letter “under section 34L,”, the words, figures and letter “under section 34L and to such market committee of the market area in which it is operating” shall be substituted. **Amendment of section 31D of Guj. XX of 1964.**

12. In the principal Act, in section 33, in clause (5), for the words, figures and letters “and loans not exceeding Rs. 2,000 in the aggregate to **Amendment of section 33 of Guj. XX of 1964.**

the officers and servants employed by it", the words "and loans for such amount, at such rate of interest and for such purposes as may be determined by the market committee to the officers and servants employed by it" shall be substituted.

Amendment of 13. In the principal Act, the existing section 47 shall be renumbered as section 47 of sub-section (1) of that section and—
Guj. XX of 1964.

(i) in sub-section (1) as so renumbered, in clause (b), the words beginning with "and to make a return reply" and ending with "doing anything" shall be deleted;

(ii) after sub-section (1), the following sub-section shall be added, namely:-

"(2) Notwithstanding anything contained in sub-section (1), the Director shall have power to cancel such proceedings called for under sub-section (1), in case market committee refrains from taking actions as directed by the Director within the period as specified by him."

STATEMENT OF OBJECTS AND REASONS

The State Government has enacted the Gujarat Agricultural Produce Markets Act, 1963 for regulation of buying and selling of agricultural produce; and for establishment of markets for agricultural produce in the State. In order to see that farmers' interest are protected and that there is a proper control of the State Government over the market committees, certain existing provisions of the Act are proposed to be amended.

Accordingly, it is proposed to amend the provisions of section 11 of the said Act, to the effect that an agriculturist can become a member of the market committee only if his name is enlisted in the voters' list for such market area and that he shall be elected only by the members of managing committee of the Primary Agricultural Credit Co-operative Societies. The term of office of the Chairman and the Vice-Chairman of the market committee is also proposed for two and a half years instead of the term of five years. *Clause 2* of the Bill provides for the same.

A provision is also proposed to be made to the effect that a member removed under section 13 by the Director shall be disqualified to be eligible for becoming a member of the same market committee for a period of six years. *Clause 3* of the Bill provides for the same.

A new section 13A is also proposed to be inserted in the said Act, to the effect that if a member of market committee is sued under section 50 and is found guilty of misapplication of the money of the market committee he shall be disqualified for six years for being a member of that committee. *Clause 4* of the Bill provides for the same.

It is also proposed that the Chairman of the Committee would only be an agriculturist. *Clause 5* of the Bill provides for the same.

A new section 17A is also proposed to be inserted in the said Act for bringing no-confidence motion against the Chairman and the Vice-Chairman. *Clause 6* of the Bill provides for the same.

It is also considered necessary to insert a provision, in the interests of the farmers and the consumers, to empower the Director, with the approval of the State Government, to direct the market committee, when the circumstances and the exigencies require such direction, to carry on the business of buying or selling of such agricultural produce or of processing of such agricultural produce for sell for a specified period. *Clause 7* of the Bill provides for the same.

New sub-section (3) is proposed to be inserted in section 28 of the said Act, to the effect that the market committee shall allow the trade of those items of the agricultural produce which are not specified in the notification published under sub-section (1) of section 5 for such market area, for which the market committee shall be empowered to collect user charges. *Clause 9* of the Bill provides for the same.

Under the existing provisions of section 47 of the Act, the Director has power to call for any proceedings of a market committee, but does not have any power if there is no compliance by the market committee of the directions given by the Director with regard to such proceedings and, therefore, it is proposed to empower the Director that he can cancel such proceedings if the market committee refrains from taking actions as directed by him within the period as specified therein. *Clause 13* of the Bill provides for the same. Certain other consequential amendments are also proposed.

This Bill seeks to amend the said Act to achieve the aforesaid objects.

BABUBHAI BOKHIRIA,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves delegation of legislative powers in following respects :-

Clause 1.- Sub-clause (2) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force.

Clause 5.- Sub-section (1) of section 17 proposed to be substituted by this clause empowers the State Government to prescribe by rules, the manner in which Chairman and the Vice-Chairman shall be elected in every market committee.

The delegation of legislative powers as aforesaid is necessary and is of a normal character.

Dated the 18th March, 2015.

BABUBHAI BOKHIRIA.

By order and in the name of the Governor of Gujarat,

C. J. GOTH,

Gandhinagar,
Dated the 18th March, 2015.

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.



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The Gujarat Government Gazette

EXTRAORDINARY

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Separate paging is given to this Part in order that it may be filed as a Separate Compilation

PART - V

Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT LOCAL AUTHORITIES LAWS (AMENDMENT) BILL, 2015.

GUJARAT BILL NO. 14 OF 2015.

A BILL

further to amend the Gujarat Provincial Municipal Corporations Act, 1949, the Gujarat Municipalities Act, 1963 and the Gujarat Panchayats Act, 1993.

It is hereby enacted in the Sixty-sixth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Local Authorities Laws (Amendment) Act, 2015.

Short title and commencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Bom. LIX of 1949.

2. In the Gujarat Provincial Municipal Corporations Act, 1949 (hereinafter referred to as "the Municipal Corporations Act"), in section 20, -

- (1) sub-sections (3), (4), (5) and (6) shall be deleted.
- (2) after sub-section (6), the following sub-sections shall be inserted, namely :-

- “(7) (i) The term of the members appointed under sub-section (2) shall be two and a half years;
- (ii) the members shall be eligible for re-appointment.”.

(8) Notwithstanding anything contained in sub-section (7), the term of the existing members of the Standing Committee shall be governed in accordance with the relevant provisions as in force prior to the coming into force of the Gujarat Local Authorities Laws (Amendment) Act, 2015 as if such relevant provisions have not been omitted by the Amending Act of 2015, till a new Standing Committee is constituted upon the general elections of the Corporations held after the date of the commencement of the Gujarat Local Authorities Laws (Amendment) Act, 2015.”.

Guj. of 2015.

Guj. of 2015.

Guj. of 2015.

Amendment of section 21 of Bom. LIX of 1949. 3. In the Municipal Corporations Act, in section 21, for sub-sections (1) and (2), the following sub-sections shall be substituted, namely :-

“(1) The members of the Standing Committee shall appoint one of its members to be the Chairman on the same day on which they are appointed under sub-section (2) of section 20. The term of the Chairman shall be two and a half years.

(2) The Chairman shall be eligible for re-appointment.

(2A) Notwithstanding anything contained in sub-sections (1) and (2), the term of the Chairman shall be governed in accordance with the relevant provisions as in force prior to the coming into force of the Gujarat Local Authorities Laws (Amendment) Act, 2015 as if such relevant provisions have not been amended by the Amending Act, 2015, till a new Chairman is appointed upon the general elections of the Corporations held after the date of the commencement of the Gujarat Local Authorities Laws (Amendment) Act, 2015.”.

Guj. of 2015.

Guj. of 2015.

Guj. of 2015.

Amendment of section 25 of Bom. LIX of 1949. 4. In the Municipal Corporations Act, in section 25, -

(i) for sub-sections (5), (6), (7) and (8), the following sub-sections shall be substituted, namely :-

“(5) The term of the members of the Transport Committee shall be two and a half years :

Provided that such term shall not extend beyond the term of the Corporation.

(6) The members shall be eligible for re-appointment.

(7) Notwithstanding anything contained in sub-sections (5) and (6), the term of the existing members of the Transport Committee shall be governed in accordance with the relevant provisions as in force prior to the coming into force of the Gujarat Local Authorities Laws (Amendment) Act, 2015 as if such relevant provisions have not been amended by the Amending Act, 2015, till a new Transport Committee is constituted upon the general elections of the Corporations held after the date of the commencement of the Gujarat Local Authorities Laws (Amendment) Act, 2015.”.

Guj. of 2015.

Guj. of 2015.

Guj. of 2015.

5. In the Municipal Corporations Act, in section 27, for sub-sections (1) and (2), the following sub-sections shall be substituted, namely:-

Amendment of
section 27 of
Bom. LIX of
1949.

“(1) The Transport Committee shall at its first meeting which shall be held on the same day of its constitution appoint one of its member to be the Chairman. The term of the Chairman shall be two and a half years.

(2) The Chairman shall be eligible for re-appointment.

(2A) Notwithstanding anything contained in sub-sections (1) and (2), the term of the existing Chairman shall be governed in accordance with the relevant provisions as in force prior to the coming into force of the Gujarat Local Authorities Laws (Amendment) Act, 2015 as if such relevant provisions have not been omitted by the Amending Act, 2015, till a new Chairman is appointed upon the general elections of the Corporations held after the date of the commencement of the Gujarat Local Authorities Laws (Amendment) Act, 2015.”.

Guj. of 2015.

Guj. of 2015.

Guj. of 2015.

6. In the Municipal Corporations Act, in section 30, -

Amendment of
section 30 of Bom.
LIX of 1949.

(1) after sub-section (3), the following sub-section shall be inserted, namely :-

“(3A) The term of the members of every Special Committee appointed by the Corporation upon the general elections held after the date of the commencement of the Gujarat Local Authorities Laws (Amendment) Act, 2015 shall be two and a half years.”;

Guj. of 2015.

(2) sub-section (7) shall be deleted.

Guj. 34 of 1964.

7. In the Gujarat Municipalities Act, 1963 (hereinafter referred to as “the Municipalities Act”), in section 53, -

Amendment of
section 53 of Guj.
34 of 1964.

(i) existing sub-section (1) shall be renumbered as clause (i) of that sub-section;

(ii) to clause (i), as so renumbered, the following proviso shall be inserted, namely :-

“Provided that the term of the Executive Committee constituted upon the general elections held after the date of commencement of the Gujarat Local Authorities Laws (Amendment) Act, 2015 shall be two and a half years.”.

Guj. of
2015.

(iii) after clause (i), the following clause shall be inserted, namely :-

“(ii) the members shall be eligible for re-appointment.”.

Amendment
of section 55
of Guj. 34 of
1964.

8. In the Municipalities Act, in section 55, to sub-section (2), the following proviso shall be inserted, namely :-

“Provided that the term of such committees constituted upon the general elections held after the date of commencement of the Gujarat Local Authorities Laws (Amendment) Act, 2015 shall be two and a half years.”.

Guj. of 2015.

Amendment
of section 59
of Guj. 34 of
1964.

9. In the Municipalities Act, in section 59, to sub-section (2), the following proviso shall be inserted, namely :-

“Provided that the term of Chairman of any such committee appointed by the municipality upon the general elections held after the date of commencement of the Gujarat Local Authorities Laws (Amendment) Act, 2015 shall be two and a half years.”.

Guj. of 2015.

Amendment
of section 51
of Guj. 18 of
1993.

10. In the Gujarat Panchayats Act, 1993 (hereinafter referred to as “the Panchayats Act”), in section 51, in the marginal note, the words “Sarpanch and” shall be deleted.

Guj. 18 of 1993.

Amendment
of section 55
of Guj. 18 of
1993.

11. In the Panchayats Act, in section 55, in sub-section (2), in clause (iii), for the words “fifty rupees”, the words “five hundred rupees” shall be substituted.

Amendment
of section 61
of Guj. 18 of
1993.

12. In the Panchayats Act, in section 61, -

(1) in proviso to sub-section (1), for the words “four months”, the words “twelve months” shall be substituted;

(2) in sub-section (2), the words “Sarpanch or” occurring at two places shall be deleted.

Substitution of
section 67 of
Guj. 18 of 1993.

13. In the Panchayats Act, for section 67, the following section shall be substituted, namely :-

“67. (1) Save as otherwise provided in the Act, the term of office of members of a Taluka Panchayat shall be co-extensive with the duration of the Panchayat.

(2) The term of office of the President and the Vice-President of a Taluka Panchayat, save as otherwise provided in this Act, shall be two and a half years.

(3) There shall be called a meeting of the elected members of the Taluka Panchayat by the competent authority within thirty days before the expiry of the term of two and a half years for the election of President and the Vice-President from amongst such elected members.

(4) Subject to the other provisions of this section, the President or the Vice-President shall be eligible for re-appointment.

(5) If, during the term of his office-under sub-section (2), the President or the Vice-President, ceases to be a member of the Panchayat, he shall vacate the office held by him.

(6) Notwithstanding anything contained in sub-section (2), the President or the Vice-President who has completed a period of two and a half years on the date of the commencement of the Gujarat Local Authorities Laws (Amendment) Act, 2015, shall continue to hold the office till the remainder term of the Panchayat.”.

Guj. of 2015.

14. In the Panchayats Act, in section 75, -

(1) in the proviso to sub-section (1), for the words “four months”, the words “twelve months” shall be substituted;

(2) in sub-section (2), for the word and figures “section 62”, the word and figures “section 63” shall be substituted.

Amendment
of section 75
of Guj. 18 of
1993.

15. In the Panchayats Act, for section 81, the following section shall be substituted, namely :-

Substitution
of section 81
in Guj. 18 of
1993.

Term of
office of
members of
district
panchayat
and of
President
and Vice-
President.

“81. (1) Save as otherwise provided in the Act, the term of office of the members of a District Panchayat shall be co-extensive with the duration of the Panchayat.

(2) The term of office of the President and the Vice-President of a District Panchayat, save as otherwise provided in this Act, shall be two and a half years.

(3) There shall be called a meeting of the elected members of the District Panchayat by the competent authority within thirty days before the expiry of the said term of two and a half years for the election of President and the Vice-President from amongst such elected members.

(4) Subject to the other provisions of this section, the President or the Vice-President shall be eligible for re-election.

(5) If, during the term of his office under sub-section (2), the President or the Vice-President, ceases to be a member of the Panchayat, he shall vacate the office held by him.

(6) Notwithstanding anything contained in sub-section (2), the President or the Vice-President who has completed a period of two and a half years as such on the date of the commencement of the Gujarat Local Authorities Laws

Guj. of 2015. (Amendment) Act, 2015, shall continue to hold the office till the remainder term of the Panchayat.”.

Amendment
of section 87
of Guj. 18 of
1993.

16. In the Panchayats Act, in section 87, in the marginal note, the word “education” shall be deleted.

Amendment
of section 89
of Guj. 18 of
1993.

17. In the Panchayats Act, in section 89, in the proviso to sub-section (1), for the words “four months”, the words “twelve months” shall be substituted.

Amendment
of section 91
of Guj. 18 of
1993.

18. In the Panchayats Act, in section 91, after the existing proviso the following proviso shall be added, namely :-

“Provided further that in case where such meeting is not called by the Sarpanch within a period of one month from the date of receipt of such written request, it shall be competent for the Taluka Development Officer to call such meeting on such date as may be specified by him.”.

Amendment
of section 98
of Guj. 18 of
1993.

19. In the Panchayats Act, in section 98, -

(1) in sub-section (1), the words “who are not related to any of the members or the Sarpanch, as the case may be, of the village panchayat” shall be added at the end;

(2) after sub-section (1), the following *Explanation* shall be inserted, namely :-

“*Explanation.*- For the purposes of this sub-section, the parents, brother, sister, father-in-law, mother-in-law, husband, wife, son, daughter, son-in-law, daughter-in-law shall be deemed to be related to a member or the Sarpanch, as the case may be, of the village panchayat.”.

Amendment of
section 100 of
Guj. 18 of 1993.

20. In the Panchayats Act, in section 100, in sub-section (3), in the proviso, for the words “one hundred rupees”, the words “five thousand rupees” shall be substituted.

Amendment of
section 123 of
Guj. 18 of 1993.

21. In the Panchayats Act, in section 123, in sub-section (9), for clause (b) and the proviso thereto, the following clause and provisos thereunder shall be substituted, namely :-

“(b) the term of the Executive Committee and the Social Justice Committee, shall be two and a half years :

Provided that the term of the existing Executive Committee which has not completed a term of two years on the date of commencement of the Gujarat Local Authorities Laws (Amendment) Act, 2015 shall be two and a half years or till the remainder period of duration of the Panchayat, whichever is earlier :

Guj. of 2015.

Guj. of 2015. Provided further that the term of the existing Social Justice Committee which has completed a term of two and a half years on the commencement of the Gujarat Local Authorities Laws (Amendment)

Act, 2015 shall be co-extensive with the duration of the Panchayat.”.

22. In the Panchayats Act, in section 131, in the proviso to sub-section (4), for the words “two hundred rupees”, the words “fifteen thousand rupees” shall be substituted.

Amendment of section 131 of Guj. 18 of 1993.

23. In the Panchayats Act, in section 145, -

Amendment of section 145 of Guj. 18 of 1993.

(1) in sub-section (1), in clause (vi), for the word and figures “section 241”, the word and figures “section 243” shall be substituted;

(2) for sub-section (9), the following sub-section shall be substituted, namely :-

“(9) (i) The term of the committees constituted under sub-section (1) shall be two and a half years :

Provided that the term of the existing Social Justice Committee and Education Committee which have completed a term of two and a half years on the commencement of the Gujarat Local Authorities Laws (Amendment) Act, 2015 shall be co-extensive with the duration of the Panchayat :

Guj. of 2015.

Provided further that the term of the Committees other than the Social Justice Committee and the Education Committee which have not completed a term of two years on the date of the commencement of the Gujarat Local Authorities Laws (Amendment) Act, 2015 shall be two and a half years or till the remainder period of duration of the Panchayat, whichever is earlier.

Guj. of 2015.

(ii) The term of the committee or committees constituted under sub-section (2) shall not exceed one year.”.

24. In the Panchayats Act, in section 200, -

Amendment of section 200 of Guj. 18 of 1993.

(i) in sub-section (1), in clause (xvi), after the word “premises”, the words “including shops and stalls” shall be inserted;

(ii) after sub-section (1), the following sub-section shall be inserted, namely :-

“(1A) Notwithstanding anything contained in sub-section (1), it shall be compulsory for a village panchayat to levy taxes and fees as referred to in clauses (i), (viii) and (ix) of said sub-section.”.

25. In the Panchayats Act, in section 243, -

Amendment of section 243 of Guj. 18 of 1993.

(i) in sub-section (1), for the words and figures “sections 104, 200 and 241”, the words and figures “sections 104, 200 and 242” shall be substituted;

(ii) in sub-section (3), for the words “two years”, the words “two and a half years” shall be substituted.

STATEMENT OF OBJECTS AND REAONS

The present Bill seeks to amend certain provisions of the Gujarat Provincial Municipal Corporations Act, 1949, the Gujarat Municipalities Act, 1963 and the Gujarat Panchayats Act, 1993 in order to bring uniformity with regard to certain matters contained in the said Acts as also for the smooth running of the administration of the local bodies.

Clauses 2 to 6 of the Bill provide for the term of the members of the Standing Committee, Transport Committee and the special committee of the Corporations to be two and a half years. A provision is also made to the effect that the members of such committee shall be eligible for reappointment. It is also considered necessary to insert a provision for members of such committees who have already completed two and a half years as such on the commencement of this amending Act, to the effect that they shall continue to be such members till the remainder of their term.

Clauses 7, 8 and 9 of the Bill provide for the term of the members of the Executive Committee and other committees of the municipalities to be two and a half years. A provision is also made to the effect that the members of such committee shall be eligible for re-election or re-appointment as the case may be. A necessary saving clause is also inserted for the existing members of such committees.

Clauses 13 and 15 *inter-alia* provide for the term of the President and the Vice-President of a Taluka Panchayats as also of District Panchayat to be two and a half years. The term of the President and the Vice-president of the Taluka and the District panchayats at present under the said Act is five years. However, the term of office of the Mayor under the Gujarat Provincial Municipal Corporations Act, 1949 and of the President under the Gujarat Municipalities Act, 1963 is two and a half years. In order to bring uniformity in the term of the office of the President and Vice-president of the said Panchayats with that of the Mayor of the Municipal Corporation and the President of Municipality, it is intended to keep the term of office of the President and Vice-president of the said panchayats for two and a half years. A provision is also made to the effect that the President and the Vice-President of such Panchayats shall be eligible for re-election. A necessary saving clause is also inserted for the existing Presidents and Vice-Presidents of the Taluka and District Panchayats.

The Sarpanch of a village panchayat, as provided in section 55 of the said Act, is empowered to incur contingent expenditure upto fifty rupees at any one occasion. It is considered necessary to increase the said limit of fifty rupees and accordingly the said limit of fifty rupees is intended to be increased to five hundred rupees. **Clause 11** of the Bill provides for the same. Similarly under section 100, if a village panchayat intends to incur expenditure exceeding one hundred rupees on any reception ceremony, entertainment gathering then it is required to obtain the sanction of the panchayat to which it is sub-ordinate. It is

considered necessary to raise the limit of such one hundred rupees and therefore, a provision is intended to be inserted which empowers the village panchayat to incur expenditure upto five thousand rupees without obtaining prior approval of the panchayat to which it is subordinate. **Clause 20** of the Bill provides for the same. Also in case of Taluka Panchayat, the present limit of rupees two hundred is intended to be raised to fifteen thousand rupees. **Clause 22** of the Bill provides for the same.

It is also considered necessary to keep the term of the Education Committee and the Social Justice Committee of the Taluka Panchayat for two and half years. A necessary saving clause is also proposed to be inserted for the existing committees. **Clause 21** of the Bill provides for the same.

Section 200 of the said Act provides for levy of taxes and fees by village panchayats. However, it is not compulsory for the village panchayat to levy taxes or fees on all the entries mentioned in the said section. The State Finance Commission has recommended to the State Government that the taxes or fees so far as the tax on buildings and lands, general sanitary cess for the construction or maintenance of public latrines and for the removal and disposal of refuse and general water rate are concerned, the same should be compulsory be levied by the village panchayat. In view of this, it is proposed to amend the provisions of section 200 suitably. **Clause 24** of the Bill provides for the same. Certain consequential amendments have also proposed to be made in the concerned Acts.

This Bill seeks to amend the said Acts to achieve the aforesaid objects.

NITIN PATEL,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves delegation of legislative power in the following respect:-

Clause 1.- Sub-clause (2) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force.

The delegation of legislative power as aforesaid is necessary and is of a normal character.

Dated the 18th March, 2015.

NITIN PATEL.

By order and in the name of the Governor of Gujarat,

Gandhinagar,
Dated the 18th March, 2015

C. J. GOTH,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.



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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT CO-OPERATIVE SOCIETIES (AMENDMENT) BILL, 2015.

GUJARAT BILL NO. 15 OF 2015.

A BILL

*further to amend the Gujarat Co-operative
Societies Act, 1961.*

It is hereby enacted in the Sixty-sixth Year of the Republic of India
as follows :-

1. (1) This Act may be called the Gujarat Co-operative Societies (Amendment) Act, 2015. Short title and commencement.
- (2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.
2. In the Gujarat Co-operative Societies Act, 1961 (hereinafter referred to as "the principal Act"), in section 2, in clause (9), for the words "five members", the words "ten members" shall be substituted. Amendment of section 2 of Guj. X of 1962.

Amendment of section 6 of Guj. X of 1962. 3. In the principal Act, in section 6, in sub-section (3), for the words "five societies", the words "ten societies" shall be substituted.

Amendment of section 8 of Guj. X of 1962. 4. In the principal Act, in section 8, in sub-section (2), in clause (b), for the words "five societies", the words "ten societies" shall be substituted.

Amendment of section 22 of Guj. X of 1962. 5. In the principal Act, in section 22, after sub-section (2), the following sub-section shall be inserted, namely :-

"(2A) Any person aggrieved by the decision of a society under sub-section (2), may prefer an appeal to the Registrar within sixty days of the date of communication of the decision and such appeal shall be decided by the Registrar within a period of sixty days."

Amendment of section 27 of Guj. X of 1962. 6. In the principal Act, in section 27, -
(1) after sub-section (2), the following sub-sections shall be inserted, namely :-

"(3) No person shall exercise the right to vote at an election of a member of a committee in a financial year unless he is a member of the society for the whole of the financial year preceding the financial year in which the election is being held :

Provided that no member society of a federal society shall exercise the right to vote at an election of a member of a committee unless such society has its last accounts audited in class A, B or C.

(4) Nothing in sub-section (3) shall apply to the first election of a committee to be held immediately after the registration of a society;"

(2) in the marginal note, for the words "No right of membership to be exercised till due payments are made", the words "Right to vote" shall be substituted.

Amendment of section 28A of Guj. X of 1962. 7. In the principal Act, in section 28A, for the first proviso, the following proviso shall be substituted, namely:-

"Provided that a member -

- (i) who does not attend atleast two meetings of the general body for a consecutive period of five years; or
- (ii) who does not utilize minimum level of services as prescribed in the bye-laws for a consecutive period of five years in respect of such societies as the State Government may, by notification in the *Official Gazette*, declare;

shall be liable to be removed by the Registrar as the member of the society:”.

8. In the principal Act, in section 33, after sub-section (2), the following sub-section shall be added, namely :-
- Amendment of
section 33 of
Guj. X of 1962.

“(3) A society shall authorise any officer or officers as it deems fit, for the purpose of discharging the functions as provided under sub-sections (1) and (2).”.

9. In the principal Act, existing section 41A shall be renumbered as sub-section (1) of that section and after sub-section (1) as so renumbered, the following sub-section shall be added, namely :-
- Amendment of
section 41A of
Guj. X of 1962.

“(2) A society shall authorise any officer as it deems fit, for the purpose of discharging the functions under sub-section (1).”.

10. In the principal Act, in section 51, for sub-section (2), the following sub-section shall be substituted, namely :-
- Amendment of
section 51 of
Guj. X of 1962.

“(2) The share capital subscribed by the State Government under sub-section (1) may be returned to the State Government by a society in such circumstances as may be prescribed by the State Government.”.

11. In the principal Act, in section 67A, -

Amendment of
section 67A of
Guj. X of 1962.

- (i) in sub-section (1), for the word “transaction”, the words “activities of credit and recovery” shall be substituted;
- (ii) in the proviso, the words “by a majority of total membership of the society and” shall be deleted;
- (iii) after the existing proviso, the following proviso shall be inserted, namely :-

“Provided further that no such bad debt or loss shall be written off except obtaining the previous sanction of the State Government.”.

insertion of new section 70A in Guj. X of 1962. 12. In the principal Act, after section 70, the following section shall be inserted, namely :-

Members
Welfare Fund.

“70A. Every society, whether liable or not, for providing such fund as provided in sections 67, 67A, 68 and 69 or the contribution under section 70, shall set aside such sum from its net profit as prescribed by the State Government for the purpose of welfare activities of its members.”.

Amendment of section 74 of Guj. X of 1962. 13. In the principal Act, in section 74, -

(i) for sub-section (1A), the following sub-section shall be substituted, namely :-

“(1A) (i) Except as otherwise provided herein, the managing committee of a society, which is not an apex society, shall consist of, among others, such number of elected members not exceeding twenty-one;

(ii) only the elected members shall be entitled to be the office-bearers of the managing committee.”.

(ii) for sub-section (1C), the following sub-section shall be substituted, namely :-

“(1C) (i) The term of the elected members of the managing committee and its office bearers shall be five years from the date of election :

Provided that the term of office bearers shall be two and a half years from the date of election of managing committee for the urban co-operative banks and federal societies :

Provided further that the managing committee shall fill up a casual vacancy in the committee by nomination out of the same class or categories of members in respect of which the casual vacancy has arisen within sixty days from the date of such vacancy, if the remaining term of office of the managing committee is less than half of its original term :

Provided also that in the case of the urban co-operative banks and the federal societies, the managing committee shall fill up a casual vacancy within sixty days from the date of such vacancy, failing which the State Government shall have the power to fill up such casual vacancy out of the same class or categories of members in respect of which the casual vacancy has arisen, if the remaining

term of office of the managing committee is less than half of its original term.

(ii) The elected members of the managing committee and its office bearers shall cease to hold the office on the date of expiry of their term.

Guj. of
2015.

(iii) Notwithstanding anything contained in clause (i), the office bearers of the urban co-operative banks and federal societies who have completed two and a half years on the date of the commencement of the Gujarat Co-operative Societies (Amendment) Act, 2015, shall continue to be such office-bearer for the remainder term.

(iv) The office bearers of the managing committee of the urban co-operative banks and federal societies shall be eligible for re-election.

14. In the principal Act, in section 74C, for sub-section (2), the following sub-section shall be substituted, namely :-

Amendment of
section 74C of
Guj. X of 1962.

“(2) (i) The term of the elected members of the managing committee shall be five years from the date of election.

(ii) The term of office bearers of the managing committee shall be two and a half years from the date of election :

(iii) The managing committee shall fill up a casual vacancy within a period of sixty days from the date of such vacancy, failing which the State Government shall have the power to fill up such casual vacancy out of the same class or categories of members in respect of which the casual vacancy has arisen if the remaining term of office of the managing committee is less than half of its original term.

(iv) The elected members of the managing committee and its office bearers shall cease to hold the office on the date of expiry of their term.

(v) Notwithstanding anything contained in clause (ii), the office bearers of managing committee who have completed two and a half years on the date of the commencement of the Gujarat Co-operative Societies (Amendment) Act, 2015, shall continue to be such office-bearer for the remainder term.

Guj. of
2015.

(vi) Nothing in clause (i) shall be applicable to the managing committee existing on the date of coming into force of the Gujarat Co-operative Societies (Amendment) Act, 2015.

Guj. of
2015.

(vii) The office bearers of the managing committee shall be eligible for re-election.”.

Insertion of new
sections 74D and
E in Guj. X of
1962.

15. In the principal Act, after section 74CC, the following sections shall be inserted, namely :-

Appointment of
Custodian in
certain
circumstances.

“74D. (1) Where in respect of any society including a society existing immediately before the commencement of the Gujarat Co-operative Societies (Amendment) Act, 2015, a new committee of management is, for any reason whatsoever, not elected before the expiry of the term of office of members of a committee of management of such society or having been elected not functioning within a period of three months (not being a committee referred to in section 80A), the Registrar shall by an order in writing, appoint a person or a committee of persons to be the Custodian of the society for a period of one year or until a new committee of management is elected or, as the case may be, starts functioning.

Guj. of
2015.

(2) The Custodian shall arrange to hold election of such society within a period of one year and the Committee shall be constituted before the expiration of that period.

(3) The Custodian so appointed shall, subject to the control of the Registrar and to such instructions as he may from time to time give, have powers to exercise all or any of the functions of the committee and take all such actions as may be required in the interest of the society.

(4) All acts done or purported to be done by the Custodian during the period when the affairs of the society are carried on by such Custodian, shall be binding on the new committee of management.

Motion of no
confidence.

74E. (1) A President, Vice-President, Chairman, Vice-Chairman, Secretary, Treasurer or any other officer by whatever designation called, who holds office by virtue of his election to that office, shall cease to be the President, Vice-President, Chairman, Vice-Chairman, Secretary, Treasurer or such officer, as the case may be, if a motion of no-confidence is carried at a meeting of the committee by the majority of not less than two-thirds of the total

number of members present at the meeting and voting, and such office shall thereupon be deemed to be vacant.

(2) The requisition for such special meeting shall be signed by not less than one-third of the total number of members of the committee who are entitled to vote, shall be delivered to the State Government in respect of a committee of a society which has the Registrar as its member and in other cases to the Registrar :

Provided that, no such requisition for a special meeting shall be made within a period of six months from the date on which any of the officers referred to in sub-section (1) has entered upon his office.

(3) The State Government or, as the case may be, the Registrar upon whom the requisition has been made under sub-section (2) shall convene a special meeting of the committee within a period of thirty days from the date of receipt of such requisition.

(4) The meeting shall be presided over by such officer as authorized by the State Government or the Registrar, as the case may be. The officer shall, when presiding over such meeting, have the same powers as the President or Chairman when presiding over such meeting, but shall not have the right to vote. The voting shall be by secret ballot of votes.

(5) The meeting called under this section shall not, for any reason, be adjourned.

(6) If such motion of no-confidence is rejected, no fresh motion of no-confidence shall be brought within a period of six months from the date of such rejection of the motion.”.

16. In the principal Act, in section 76, for the portion beginning with the words “The qualification for appointment” and ending with “be prescribed”, the following shall be substituted, namely :-

Amendment of
section 76 of
Guj. X of 1962.

“The qualifications, conditions of service, staff schedule, procedure of recruitment for appointment of a Manager, Secretary, Accountant or any other officer or employee of all urban co-operative banks, federal societies and specified co-operative societies as referred to in section 74C but excluding the societies of the co-operative credit structure, shall be such as may from time to time be prescribed:”.

17. In the principal Act, in section 76B, in sub-section (2), for the words “four years”, the words “six years” shall be substituted.

Amendment of
section 76B of
Guj. X of 1962.

Amendment of
section 77 of
Guj. X of 1962.

18. In the principal Act, in section 77, -

- (i) to sub-section (1), the following proviso shall be inserted, namely :-

“Provided that if such meetings is not called by the society within such period, the Registrar or any person authorized by him in that behalf may in the prescribed manner, call such meeting which shall be deemed to be a general meeting duly called by the society.”.

- (ii) in sub-section (5), in clause (i), for the words “one hundred rupees”, the words “one thousand rupees” shall be substituted.

Amendment of
section 78 of
Guj. X of 1962.

19. In the principal Act, in section 78, in sub-section (2), for the words “one hundred rupees”, the words “one thousand rupees” shall be substituted.

Substitution of
section 81 of
Guj. X of 1962.

20. In the principal Act, for section 81, the following shall be substituted, namely:-

Supersession of
a committee and
appointment of
a Committee or
Administrator.

“81. (1) • If, in respect of a committee of a society having the Registrar as its member, the State Government and in respect of a committee of a society which does not have the Registrar as its member, the Registrar, is of the opinion that -

- (i) the committee persistently makes default; or
- (ii) the committee is negligent in the performance of its duties imposed on it by or under this Act or the rules made thereunder or the bye-laws; or
- (iii) the committee has committed any act prejudicial to the interest of the society or its members;

the State Government or, as the case may be, the Registrar, after giving the committee an opportunity of being heard, within fifteen days from the date of issue of notice, by an order in writing, supersede the Committee and appoint —

- (a) a Committee, consisting of one or more members of the society, not being the members of the committee superseded under this sub-section, or
- (b) an Administrator from amongst the officers of the Co-operation Department of the State Government -

to manage the affairs of the society for a period not exceeding one year as may be specified in the order, which period may, at the discretion of the State Government or the Registrar, as the case may be, be extended from time to time, so, however, the term of the Committee or the Administrator shall be, the remaining term of the committee in whose place he is appointed or two years in aggregate, whichever is less.

(2) Before passing an order under sub-section (1), the State Government or the Registrar, as the case may be, shall consult the co-operative financing institution if such society is indebted to it.

(3) The Committee or Administrator so appointed shall, subject to such instructions and control of the State Government or the Registrar, as the case may be, have power to exercise all or any of the functions of the committee or of any officer of the society, and take all such action as may be required in the interests of the society.

(4) The Committee or the Administrator appointed under sub-section (1) shall arrange to hold the election of the committee of the society at such time as directed by the State Government or the Registrar, as the case may be, but not later than the period as specified in sub-section (1) :

Provided that the Committee or the Administrator shall arrange to hold election for constitution of a new committee of a society in the co-operative credit structure within a period of six months from the date of the order of supersession of the said Committee.

(5) All acts done or purported to be done by the Committee or Administrator during the period during which the affairs of the society are carried on by the Committee or Administrator appointed under sub-section (1), shall be binding on the new committee.

(6) The remuneration of members of the Committee or the Administrator appointed under sub-section (1) shall be such as may be prescribed and the same shall be paid from the fund of the society.

(7) The members of the committee which has been superseded under sub-section (1), shall not be eligible to become a member of the committee of the same society for a period of six years from the date of supersession of such committee.”.

Amendment of section 81A of Guj. X of 1962. 21. In the principal Act, in section 81A, for sub-section (3), the following shall be substituted, namely :-

“(3) The members of the committee of a Primary Agriculture Credit Co-operative Society which has been removed under sub-section (2) shall not be eligible to become a member of the committee of the same society for a period of six years from the date of supersession of such committee.”.

Amendment of section 82 of Guj. X of 1962. 22. In the principal Act, in section 82, in sub-section (3), for the words “not exceeding fifteen rupees as the Registrar may think fit for each day”, the words “not exceeding one hundred rupees for each day” shall be substituted.

Amendment of section 84 of Guj. X of 1962. 23. In the principal Act, in section 84, -

(i) for sub-sections (1) and (2), the following sub-section and the proviso thereunder shall be substituted, namely :-

“(1) The Registrar shall audit, or cause to be audited by a person possessing prescribed qualifications and authorized by the Registrar by general or special order in writing in this behalf, the accounts of every society at least once in each year. The person so authorized shall be an auditor for the purposes of this Act :

Provided that the audit of the Central Co-operative Banks and the State Co-operative Banks shall be conducted only by the Chartered Accountants from the panel approved by the National Bank.”.

(ii) after sub-section (5), the following new sub-section shall be inserted, namely :-

“(5A) The Registrar shall, by an order, provide for a special audit of any society on its own or on the basis of the recommendation of the Reserve Bank of India or, as the case may be, the National Bank. The provisions relating to audit of accounts of the society made under this section shall also apply to such special audit.”.

(iii) after sub-section (8), the following sub-section shall be added, namely :-

“(9) The State Government may by rules, provide for the form and manner in which and the period within which the accounts of the society or the class of society shall be prepared and submitted for the purpose of online audit.”.

24. In the principal Act, for section 85, the following shall be substituted, namely :-

Substitution of
section 85 of
Guj. X of 1962.

Rectification of
defects or
irregularities in
accounts and
inspection
report of the
Society.

“85. If the result of the audit held under section 84 and inspection held under sub-section (8) of section 84, section 87 and section 88 discloses any defects in the working of the society, the society shall within a period of two months from the date of the audit and inspection report, clarify to the Registrar as regards the defects or the irregularities so pointed out in audit and inspection report, and if clarification in respect of any defect or irregularity is not accepted, take steps to rectify the defects and remedy irregularities within such period as may be specified by the Registrar and shall report to the Registrar, failing which the Registrar shall have power to impose a penalty of such amount not exceeding rupees five thousand. Where society concerned is a member of a federal society, such order shall be made after consulting the federal society.”.

25. In the principal Act, in section 93, in sub-section (1), for the words commencing from “Where in the course of” and ending with the words “Liquidator under section 110”, the words “Where, in the course of or as a result of an audit under section 84, or an inspection under sub-section (8) of section 84, or an inquiry under section 86 or an inspection under section 87 or section 88, or the winding up of a society, the Registrar is satisfied on the basis of the report made by the auditor or the person authorised to make inquiry under section 86, or the person authorised to inspect the books under sub-section (8) of section 84, 87 or 88 or the Liquidator under section 110,” shall be substituted.

Amendment of
section 93 of
Guj. X of 1962.

26. In the principal Act, in section 107, in sub-section (1), for clause (a), the following clause shall be substituted, namely :-

Amendment of
section 107 of
Guj. X of 1962.

“(a) after an inquiry has been held under section 86, or an inspection has been made under any of the provisions of sub-section (8) of section 84, section 87 or section 88 or on the report of the auditor auditing the accounts of the society, or”.

27. In the principal Act, in section 114, in sub-section (1), for the words “three years”, “four years”, and “seven years”, the words “five years” “five years” and “ten years” shall be substituted, respectively.

Amendment of
section 114 of
Guj. X of 1962.

28. In the principal Act, in section 115E, in *Explanation-I*, for the words “consisting of three years commencing from the date of the first meeting of a committee”, the words “of two and a half years commencing from the date of the election of a committee” shall be substituted.

Amendment of
section 115E of
Guj. X of 1962.

Deletion of
section 115G of
Guj. X of 1962.

29. (1) In the principal Act, section 115G shall be deleted.

Saving.

(2) The amount resting in the Urban Bank Credit Equalization Fund on the date of the commencement of the Gujarat Co-operative Societies (Amendment) Act, 2015 shall be paid back proportionally to those contributors to the fund who have contributed to the said fund.

Amendment of
section 116 of
Guj. X of 1962.

30. In the principal Act, in section 116, -

- (i) for the words “advancing loans, other than short term loans,” , the words “advancing loans” shall be substituted;
- (ii) in clause (vi), the word “or” occurring at the end shall be deleted;
- (iii) in clause (vii), the word “or” shall be added at the end;
- (iv) after clause (vii)* the following clause shall be inserted, namely :-

“(viii) short term loans, crop loans.”.

Amendment of
section 145 Z of
Guj. X of 1962.

31. In the principal Act, in section 145Z, in sub-section (2), for the words “in its bye-laws, but”, the words, figures and letter “in sub-section (2) of section 74C, and” shall be substituted.

Amendment of
section 147 of
Guj. X of 1962.

32. In the principal Act, in section 147, in sub-section (1), -

- (i) after clause (a), the following clauses shall be inserted, namely :-

“(aa) if the officer or officers authorized under sub-section (3) of section 33 fail to discharge the functions as provided in the said section;

(aaa) if the officer authorized under sub-section (2) of section 41A fails to discharge the functions as provided in the said section;”;

- (ii) in clause (e), for the words “an Urban Co-operative Bank,” , the words, brackets and figures “in a Scheduled Co-operative Bank as defined in clause (2) of the section 2 of the Reserve Bank of India Act, 1934 and having its registered office within the State or in any Nationalised Bank” shall be substituted.

33. In the principal Act, in section 148, in sub-section (1), -

Amendment of
section 148 of
Guj. X of 1962.

- (i) after clause (a), the following clauses shall be inserted, namely :-
 - “(aa) if it is an offence under clause (aa) of that section, with fine which may extend to five thousand rupees;
 - (aaa) if it is an offence under clause (aaa) of that section, with fine which may extend to five thousand rupees”;
- (ii) in clauses (a), (b), (d), (e), (g), (g-i), (j), (k), (l), (o) and (p), for the words “five hundred rupees” the words “five thousand rupees” shall be substituted;
- (iii) in clause (c), for the words “five thousand rupees”, the words “fifty thousand rupees” shall be substituted;
- (iv) in clause (h), for the words “two hundred and fifty rupees”, the words “two thousand and five hundred rupees” shall be substituted;
- (v) in clauses (i), (n) and (q), for the words “one thousand rupees” the words “ten thousand rupees” shall be substituted;
- (vi) in clause (m), for the words “two thousand rupees”, the words “twenty thousand rupees” shall be substituted.

34. In the principal Act, after section 156, the following section shall be inserted, namely :-

Insertion of
new section
156A in Guj.
X of 1962.

Power of State
Government to
give directions
for e-tender
process.

“156A. The State Government may, by general or special order to be published in the *Official Gazette*, direct any society or any class of society not to render contract in relation to such matters concerning such society or the class of society and to make purchases for such amount except without following the e-tender process.”.

35. In the principal Act, after section 160, the following new section shall be inserted, namely :-

Insertion of new
section 160A in
Guj. X of 1962.

Power of State
Government to
give directions
in case of
financial stake
of Government.

“160A. (1) If the State Government, on receipt of a report from the Registrar or otherwise, is of the opinion that, in respect of such society wherein the Government has financial stake in any manner, it is necessary to issue the directions to secure the proper management of the business of the society generally, or for the affairs of the society being conducted in a manner detrimental to the interest of the members of the depositors or the creditors thereof, the State Government may issue directions to it from time to time, and the society shall be bound to comply with such directions.

(2) The State Government may modify or cancel any directions issued under sub-section (1), and in modifying or canceling such directions may impose such conditions as it may deem fit.

(3) Where the State Government is satisfied that any person responsible for complying with any directions or modified directions issued to a society under sub-sections (1) and (2) and he has failed, without any good reason or justification, to comply with the directions, the State Government may, by order, —

- (a) if the person is a member of the committee of the society, remove the member from the committee and appoint any other person as a member of the committee for the remainder of the term of his office and declare him to be disqualified to be such member for a period of six years from the date of the order ;
- (b) if the person is an employee of the society, direct the committee to remove such person from employment of the society forthwith, and if any member or members of the committee, without any good reason or justification, fail to comply with this order, remove the members, appoint other persons as members and declare them disqualified as provided in clause (a) above :

Provided that, before making any order under this sub-section, the State Government shall give a reasonable opportunity of being heard to the person or persons concerned and consult the federal society to which the society is affiliated.

(4) Nothing provided in sub-section (1) shall apply to the Urban Co-operative Banks and the societies in the co-operative credit structure.”.

STATEMENT OF OBJECTS AND REASONS

The State Government has enacted the Gujarat Co-operative Societies Act, 1961, relating to co-operative societies in the State of Gujarat. After the said Act came into force amendments have been made therein many a times. However, in order to see that the administration and the management of the co-operative societies is run still in a better way and that the co-operative societies strictly follow the provisions of the Act and the interests of the members of the society are protected, it is considered necessary to make certain amendments in the Act.

Accordingly, a provision is made to the effect that no person shall have a right to vote at an election of a member of a committee unless he is a member of the Society for whole of the preceding financial year, however, in case of a member society of a federal society it will have such right to vote only if such society has its last accounts audited in class A, B or C. *Clause 6* provides for the same.

Clause 12 of the Bill by which a new section 70A is proposed to be inserted, provides for constitution of a members welfare fund by a society.

Clause 13 of the Bill by which the existing provisions of section 74 are proposed to be amended, provides that only the elected members can become the office bearers of the managing committee. It is also proposed that the term of the office bearers of the Urban Co-operation Banks and Federal Societies shall be of two and a half years, and that such office bearers shall be eligible for re-election.

Clause 14 of the Bill by which it is proposed to amend section 74C which provides inter alia that the term of the office bearers of the managing committees of specified societies shall be of two and a half years and that they shall be eligible for re-election. A saving clause has been inserted in *Clauses 13 and 14* to the effect that those office bearers who have completed two and a half years on the date of the commencement of Amendment Act, 2015 shall continue to be in the office till the remainder of the term.

Clause 15 of the Bill provides for insertion of new sections 74D and section 74E. New section 74D provides for the appointment of the Custodian for a maximum period of one year for a society in certain circumstances. New section 74E provides for moving a no-confidence motion against the officer or officers or a society.

Clause 20 of the Bill provides for certain amendments in the existing provisions of section 81, which provides for supersession of a managing committee for the reasons stated therein; and appointment of a Committee or Administrator. The amendments *inter-alia* includes that the State Government or the Registrar, before passing an order of supersession of the committee shall consult the co-operative financial institution if such society is indebted to it; and that the members of committee so superseded shall not be eligible to become a member of the committee of same society for a period of six years.

Clause 23 of the Bill by which the existing provisions of section 84 are proposed to be amended provides for the audit, special audit of the society and also provides for the online audit.

Clause 24 of the Bill by which the existing section 85 is proposed to be substituted provides that the Registrar shall have power to impose penalty of such amount not exceeding rupees five thousand in case of non-compliance of the defects or irregularity found in the audit or inspection report, by the society.

Clause 29 of the Bill by which the existing section 115G is proposed to be deleted. It also provides that the amount resting in the Urban Bank Credit Equalization Fund shall be paid back proportionally to those contributors to the fund who have contributed to the said fund.

Clause 34 of the Bill provides for insertion of a new section 156A in the Act which provides that the State Government shall have power to give directions for following e-tender process for the contracts and purchases which may be specified by general or special order of the State Government.

Clause 35 of the Bill provides for insertion of a new section 160A which empowers the State Government to give directions to the society in which the State Government has a financial stake. Provisions have also made therein for consequences for non-compliance of the directions.

Certain other and consequential amendments are proposed in the Bill.

This Bill seeks to amend the said Act to achieve the aforesaid objects.

BABUBHAI BOKHIRIA,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves delegation of legislative powers in following respects:-

Clause 1.- Sub-clause (2) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force.

Clause 7.- The first proviso proposed to section 28A proposed to be substituted by this clause empowers the State Government to declare, by notification in the *Official Gazette*, the class of such societies whose members, if do not utilize minimum level of services prescribed in bye-laws for a consecutive period of five years shall be liable to be removed by the Registrar as the member of the society.

Clause 10.- Sub-section (2) of section 51 proposed to be substituted by this clause empowers the State Government to prescribe by rules, the circumstances in which the share capital subscribed by the State Government under sub-section (1) may be returned to the State Government by a society.

Clause 12.- Section 70A proposed to be inserted by this clause empowers the State Government to prescribe by rules, the sum which may be set aside by every society from its net profit for contribution to the fund as provided in sections 67, 67A, 68 and 69 or the contribution under section 70, for the purpose of welfare activities of its members.

Clause 16.- Section 76 proposed to be amended by this clause empowers the State Government to prescribe by rules, the qualifications, conditions of service, staff schedule, procedure of recruitment for the appointment of a Manager, Secretary, Accountant or any other officer or employee of all urban co-operative banks, federal societies and specified co-operative societies excluding the societies of the co-operative credit structure.

Clause 18.- Proviso proposed to be inserted in sub-section (1) of section 77 by this clause empowers the State Government to prescribe, the manner in which the Registrar or any person authorized by him shall call a general meeting, if not called by the society within prescribed time limit.

Clause 20.- Sub-section (6) of section 81 proposed to be substituted by this clause, empowers the State Government to prescribe by rules, the remuneration of the members of the committee or the Administrator.

Clause 23.- Sub-section (9) proposed to be inserted in section 84 by this clause empowers the State Government to prescribe by rules, the form and the manner in which and the period within which the accounts of the society or the class of society shall be prepared and submitted for the purpose of online audit.

Clause 34.- New section 156A proposed to be inserted by this clause empowers the State Government to direct by general or special order by publication in the *Official Gazette*, any society or any class of societies not to render contract in relation to such matters concerning such society or the class of societies and to make purchases for such amount without following the e-tender process.

Clause 35.- Sub-section (1) of new section 160A proposed to be inserted by this clause empowers the State Government to issue directions to from time to time, to such society herein the Government has financial stake in any manner, to secure the proper management of the business of the society generally, or for the affairs of the society being conducted in a manner detrimental to the interest of the members of the depositors or the creditors thereof.

The delegation of legislative powers as aforesaid is necessary and is of a normal character.

Dated the 18th March, 2015.

BABUBHAI BOKHIRIA.

By order and in the name of the Governor of Gujarat,

Gandhinagar,
Dated the 19th March, 2015.

C. J. Gothi,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.



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The Gujarat Government Gazette

EXTRAORDINARY

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Separate paging is given to this Part in order that it may be filed as a Separate Compilation

PART - V

Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT PRIMARY EDUCATION (AMENDMENT) BILL, 2015.

GUJARAT BILL NO. 16 OF 2015.

A BILL

further to amend the Gujarat Primary Education Act, 1947.

It is hereby enacted in the Sixty-sixth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Primary Education (Amendment) Act, 2015.

Short title and commencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Bom. LXI of
1947.

2. In the Gujarat Primary Education Act, 1947, in section 10, after sub-section (1), the following sub-section shall be inserted, namely :-

Amendment of
section 10 of
Bom. LXI of
1947.

“(1A) (i) Subject to the other provisions of this Act, the term of the Chairman and the Vice-Chairman of every Municipal School Board shall be two and a half years :

Provided that despite the completion of such term, the Chairman and the Vice-Chairman shall continue in office until new Chairman and Vice-Chairman are elected :

Provided further that the Chairman and the Vice-Chairman who have completed more than two and a half years on the date of commencement of the Gujarat Primary Education (Amendment) Act, 2015, shall continue to hold such office till a new Municipal School Board is constituted and the Chairman and the Vice-Chairman are elected in accordance with the provisions of this Act.

Guj. of 2015.

(ii) The Chairman and the Vice-Chairman shall be eligible for re-election.”.

STATEMENT OF OBJECTS AND REASONS

It has been under the consideration of the State Government for quite a while for keeping the term of the different offices of the local bodies as also the offices of the Chairman, Vice-Chairman, President, Vice-President of the different committees constituted under the Gujarat Provincial Municipal Corporations Act, 1949, the Gujarat Municipalities Act, 1963 and the Gujarat Panchayats Act, 1993 as two and a half years for which necessary amendments in the said Acts are under consideration of the Government. This would also include the District Education Committees constituted under the Gujarat Panchayats Act, 1993 for the District Panchayats. The Education Committees have been entrusted with the duties and functions of the District School Boards.

Sections 3 and 4 of the Gujarat Primary Education Act, 1947 respectively provides for the constitution of the District School Board and the Municipal School Board. Section 10 of the said Act provides that the School Board shall elect a Chairman and Vice-Chairman from amongst the members of the Board. It is considered necessary to specify the term of the Chairman and the Vice-Chairman of the Municipal School Board and therefore, a new sub-section (1A) is proposed to be inserted in section 10 of the said Act thereby providing the term of the Chairman and the Vice-Chairman of the Municipal School Board to be two and a half years.

This Bill seeks to amend the said Act to achieve the aforesaid object.

BHUPENDRASINH CHUDASAMA,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves delegation of legislative power in following respect :-

Clause 1.- Sub-clause (2) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force.

The delegation of legislative power as aforesaid is necessary and is of a normal character.

Dated the 19th March, 2015.

BHUPENDRASINH CHUDASAMA.

By order and in the name of the Governor of Gujarat,

Gandhinagar,

Dated the 19th March, 2015

C. J. GOTH,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.



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PART V

Bills introduced in the Gujarat Legislative Assembly

The following Bill which was introduced on the 19th March, 2015 by Shri Bhushan Bhatt, M.L.A. is published under rule 127-A of the Gujarat Legislative Assembly rules for general information.

GUJARAT BILL NO. 17 OF 2015

THE GUJARAT NON-BIODEGRADABLE GARBAGE (CONTROL) BILL, 2015

A BILL

to prevent throwing or depositing of non-biodegradable Garbage in public drains, roads and place open to public view in the State of Gujarat and for matters connected therewith or incidental thereto.

It is hereby enacted in the Sixty-Sixth Year of the Republic of India as follows:

1. (1) This Act may be called the Gujarat Non-biodegradable Garbage (Control) Act, 2015

Short title, extent and commencement.

(2) It extends to the whole of the State of Gujarat.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires :-

Definition.

(a) "bio-degradable garbage" means the garbage or waste material capable of being destroyed by the action of living beings;

(a) "building" means any shop, out-house, hut, house, shed or stable whether used for the purpose of human habitation or otherwise and whether of masonry, bricks, wood, mud, thatch, metal or any other material whatever, and includes a wall and a well;

(c) "house gully" means a passage or strip of land constructed, set apart or utilized for the purpose of serving as or carrying a drain or affording access to the latrine, urinal, cesspool or other receptacle for filth or other polluted matter, by person employed in the cleaning thereof or in the removal of such matter therefrom,

(d) "local authority" means a Municipal Corporation, a Municipality, a Cantonment Board, a Housing Board, a Slum Clearance Board, an Urban Development Authority, a Notified Area Committee, a District Panchayat, a Taluka Panchayat or a Gram Panchayat constituted, under any law for the time being in force;

(e) "market" includes any place where person assemble for sale or purchase of meat, fish, fruits, vegetables, food or any other articles for use or consumption with or without the consent of the owner of such places notwithstanding that there may be no common regulation for the concourse of the buyer and the sellers and whether or not any control is exercised over the business of or the persons frequenting the market by the owner of the place or by any other person;

(f) "no-biodegradable garbage" means the waste garbage of material which is non-bio-degradable and includes plastic poly thene, nylon and other plastic goods such as P.V.C. propylene and polystyrene which are not capable of being destroyed by an action of living being and are more specifically included in the Schedule to this act;

(g) "occupier" includes any person for the time being paying or liable to payment or any portion of rent of the building in respect of which the word is used, or compensation or premium on account of the occupation of such building and also a rent free tenant, but does not include a lodger, and the words occupy and occupation do not refer to the lodger;

(h) "owner" means the person who receives the rent for the use of the land or building or would be entitled to do so if they were let. it also includes-

- (i) an agent or trustee who receives such rent on behalf of the owner;
- (ii) a receiver, executor or administrator of or a manager appointed by any court of competent jurisdiction to have the charge, of or to exercise the right of the owner;
- (iii) an agent or trustee who receives the rent of or is entrusted with or is concerned with any building devoted to religious or charitable purpose; and
- (iv) a mortgage in possession;

(i) "place" means any land or building or part of building and includes the garden, ground and out-houses, if any, pertaining to a building or part of a building;

(j) "place open to public view" includes any private place or building, monument, fence or balcony visible to a person being in, or passing along, any public place;

29 of 1986.

(k) "prescribed" means prescribed by rules made under this Act;

(1) "Public Analyst " means the person appointed or recognised to be the Government Analyst, in relation to any environmental laboratory established or recognised in the State, under the provisions of the Environment (Protection) Act, 1986;

(m) "Public place" means any place which is open to use and enjoyment of the public whether it is actually used or enjoyed by the public or not and includes a road, street, Market, house-gully or way, whether a throughfare or not, and landing place to which public are granted access or have a right to resort or over which they have a right to pass; and

(n) "State Government" means the Government of the State of Gujarat.

3. (1) No person, by himself or through another shall, knowingly or otherwise throw or cause to be thrown in any drain, ventilation shaft, pipe and fitting, connected with the private or public drainage works any non-biodegradable garbage or any biodegradable garbage in non-biodegradable bag or container likely to-

Prohibition to throw garbage in public drains and sewage.

- (i) injure the drainage and sewage system;
- (ii) interfere with the free flow of effect the treatment and disposal of drain and sewage contents; and
- (iii) be dangerous or cause a nuisance or be prejudicial to public health.

(2) No person, shall, knowingly or otherwise, place or permit to be placed, except in accordance with such procedure and after complying with such safeguards as may be prescribed, any bio-degradable or non-biodegradable garbage in any public place or in a place open to public view, unless-

(a) the garbage is placed in garbage receptable; or

(b) the garbage is deposited in a location designated by a local authority having jurisdiction on an area for the disposal of the garbage.

4. It shall be the duty of the local authority or any officer authorised by it, to-

(a) place or provide place in proper and convenient situation public receptable, depots of places for temporary deposit or collection of Non-biodegradable garbage;

Provision for Placement of receptable and places for deposit of non biodegradable garbage.

(b) provide separate dustbins for temporary deposit of non-biodegradable garbage other than those kept and maintained for deposit of biodegradable garbage;

(c) provide for the removal of contents of receptables, deposit and of the accumulation at all places provided or appointed by it under clause (a) of this section; and

(d) arrange for the recycling disposal of the non-biodegradable garbage collected under this Act.

5. It shall be the duty of the owners and occupiers of all lands and buildings-

Duty of owners and occupiers to collect and deposit non biodegradable garbage etc.

(a) to collect or to cause to be collected from their respective land and buildings, the non-biodegradable garbage and to deposit, or cause it to be deposited, in public receptables, deposite or places provided for temporary deposit or collection of the non-biodegradable garbage by the local authority in the area;

(b) To provide separate receptables or dustbins, other than those kept and maintained for deposit of biodegradable garbage, of the type and in the manner prescribed by the local authority of its officers for collection therein of all the non-biodegradable waste from such land and building and to keep such receptables dustbins in good condition and repair.

Power of local authority for removal of non biodegradable garbage.

6. The local authority may, by notice in writing, require the owner or occupier or part-owner, or person, claiming to be the owner, or part owner of any land or building, which has become a place or unauthorised stocking or deposit of non-biodegradable, garbage and is likely to cause a nuisance remove or cause it to be removed the said garbage so stocked or collected; and if in its opinion, such stocking or collection of non-biodegradable waste is likely to injure the drainage or sewage system or is likely to be dangerous to life and health, it shall forthwith take such steps at the cost of such persons as it may think necessary.

Studies research and support programme.

7. The State Government may :-

(a) undertake studies to determine the composition of biodegradable or non-biodegradable garbage:

(b) establish measures to conduct or support research or programme to encourage source reduction, re-use and recycling of waste;

(c) conduct or support studies to determine the social and economic feasibility of household and other solid waste separation schemes, including studies of the type and amount of recyclable materials in solid wastes.

(d) encourage local authorities in the State of Gujarat to provide readily accessible solid waste collection depots for residents who are not provided with regular garbage pick up;

(e) undertake and encourage local authorities and other persons to implement policies to recycle waste materials; to promote energy conservation and to purchase products made from recyclable materials;

(f) conduct and support research on waste management and recycling including information on recyclables;

(g) conduct or support research on waste management and recycling, for use in educating the public, local authorities, institutions and industry; and

(h) impose requirements on manufacturers, distributors and other person who produce or handle commodities with respect to the type, size, packaging, labelling and composition of packing that may or must be used and with respect to the disposal of packaging including standards for material degradability and recyclability.

Penalties.

8. (1) Whoever is guilty of any act or omission in contravention of any of the provisions of this Act, or of any rules, notification or order made, issued or given under this Act, shall be punishable with imprisonment for a term which may extend to one month or with fine which may extend to rupees five thousand, or with both.

(2) Whoever having been convicted of any offence under this Act is again convicted of an offence under this Act shall be punishable with double the penalty provided for the latter offence

(3) Whoever in any manner aids, abets or is accessory to the commission of an offence under this Act shall on conviction be punished with imprisonment prescribed for the offence.

9. (1) If The person committing any offence punishable under this Act is a company, every person, at the time of the commission of the offence, was incharge of and responsible to the company for the conduct of the business or guilty of the offence shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of the offence.

(2) Notwithstanding anything contained in sub-section (1) Where an offence under this Act has been committed by a Company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any gross negligence on of the part of any Director, Manager, Secretary, or other officer of the Company, such Direction Manager, Secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation,—For the purposes of this Section-

(a) "Company" means any body corporate and includes a firm or other association of individuals; and

(b) "Director" in relation to a firm means a partner in the firm.

10. All offences under this Act shall be tried in a Summary way by a Judicial Magistrate of the First Class and the provisions of Section 262 to 265 (both inclusive) of the Code of Criminal Procedure 1973, shall as far as may be, apply to such trials.

Offence to be tried summarily.

11. (1) Any offences punishable under this Act may, before the institution of the prosecution, be compounded by such officer as may be authorised by the State Government in this behalf on payment for credit to the State Government of such sum as such officer may specify.

Compounding of offences.

(2) Where any offence has been compounded under sub-section (1), no proceeding shall be taken against the offender, and the offender if in custody, shall be discharged.

12. The local authority shall carry out such directions as may be issued to it from time, by the State Government for the efficient administration of this Act.

Direction by State Government.

13. (1) Where it is expedient to do so, the State Government may, in the public interest and in consultation with the public Analyst, by notification in the *Official Gazette*, add to or omit from the Schedule any item of non-biodegradable waste and thereafter the Schedule shall be deemed to have been amended accordingly.

Power to amend Schedule.

(2) Every notification under Sub-section (1) shall be laid, as soon as may be, after it is made., before the State Legislature.

14. The State Government may, by notification published in the *Official Gazette*, direct that any power exercisable by it under Act (Not including the power to make rules under section 17) may also be exercised, in such cases as may be specified in the order, by such officer or authority as may be specified therein.

Power to delegate.

15. No suit, prosecution or other legal proceedings shall lie against the State Government or the local authority or any officers or other employees of the State Government or the local authority or any other person authorised by the State Government for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

Protection of action taken in good faith.

Other laws
not affected.

16. The provisions of this Act are in addition to, and not in derogation of the provisions of any other law for the time being in force.

Power to
make rules.

17. (1) The State Government may subject to the condition of previous publication in the *Official Gazette* make rules for the purpose of carrying out the provisions of this Act.

(2) All rules made under this section shall be laid before the State Legislature for thirty days as soon as after they are made and shall be subject to such modifications or recessions as the State Government may make during the session in which they are so laid or the session immediately following.

(3) Any modifications or recission so made by the State Legislature shall be published in the *Official Gazette* and shall thereupon take effect accordingly.

Power to
remove
difficulties.

18. If any difficulty arises in giving effect to the provisions of this Act, the State Government may by order do anything not inconsistent with such provisions which appears to it to be necessary or expedient for the purpose of removing the difficulty.

SCHEDULE

See Section 2 (f)

NON BIODEGRADABLE GARBAGE

1. Polythylene -
2. Nylone
3. P. V. C.
4. Poly-propylene
5. Poly-styrene.

STATEMENT OF OBJECTS AND REASONS

At present, the use of Plastic goods is pervading for the industrial and packaging purposes at large in the State. This results in huge waste garbage or material which is non-biodegradable which is not capable of being destroyed by an action of living being. The cows, cattle and other animals, in search of eatables such plastic bags and chemicalised waste, which is very injurious even to the health of these animals. The animals eating those non-biodegradable! garbage suffer from various diseases and ultimately it results into death of these innocent animals. Such non-biodegradable garbage is injurious and harmful to the environment, human being and the animal being also. Therefore, it is necessary to have effective control for the disposal of the non-biodegradable garbage in the State by Act of the State Legislature.

Hence, this Bill.

Gandhinagar.

Dated : 10th March, 2015.

BHUSHAN BHATT

M.L.A.

MEMORANDUM REGARDING DELEGATED LEGISLATION

The bill involves delegations of legislative powers in the following respects, namely :-

Clause 12. — This clause empowers the State Government to issue the directions to the local authorities from time to time for the efficient administration of this Act.

Clause 13. — This clause empowers the State Government to amend the Schedule by publishing a notification in the *Official Gazette*.

Clause 14.— This clause empowers the State Government to specify such officer or authority to exercisable by it under this Act (excluding the power to make rules).

Clause 17. — This clause empowers the State Government to make rules for the purposes of carrying out provisions of this Act.

Clause 18. — This clause empowers the State Government to do anything by an order anything not inconsistent with such provisions which appears to it to be necessary for the purpose of removing the difficulty, if any difficulty arises in giving effect to the provision of the Act.

The delegation of the Legislative powers as aforesaid is necessary and is of normal character.

Gandhinagar.

Dated : 10th March, 2015.

BHUSHAN BHATT

M.L.A.

FINANCIAL MEMORANDUM

Clause 7 of the Bill provides for undertaking studies, research and support programme by the State Government in regard to the non-biodegradable garbages, This bill if enacted and brought into operation would not incur expenditure from the Consolidated Fund of the State, as it is presumed and expected that such studies, research and support programmes will be undertaken or conducted by the existing Government personnel and machineries and therefore no additional expenditure will be incurred from the Consolidated Fund of the State.

Gandhinagar.

Dated : 10th March, 2015.

BHUSHAN BHATT

M.L.A.

Gandhinagar,
Dated the 19th March, 2015

D. M. PATEL,
Secretary,
Gujarat Legislative Assembly.



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PART - V

Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT CONTROL OF TERRORISM AND ORGANISED CRIME BILL, 2015.

GUJARAT BILL NO. 18 OF 2015.

A BILL

to make special provisions for prevention and control of terrorist acts and for coping with criminal activities by organised crime syndicates and for the matters connected therewith or incidental thereto.

It is hereby enacted in the Sixty-sixth year of the Republic of India as follows:

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Gujarat Control of Terrorism and Organised Crime Act, 2015.

Short title,
extent and
commencement.

(2) It extends to the whole of the State of Gujarat.

(3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Definitions. 2. (1) In this Act, unless the context otherwise requires,—

- (a) "abet" with its grammatical variations and cognate expressions, includes—
 - (i) the communication or association with any person with the actual knowledge or having reason to believe that such person is engaged in assisting in any manner an organised crime syndicate;
 - (ii) the passing on or publication of without any lawful authority, any information likely to assist the organised crime syndicate and the passing on or publication of or distribution of, any document or matter obtained from the organised crime syndicate; and
 - (iii) the rendering of any assistance, whether financial or otherwise, to the organised crime syndicate;
- (b) "Code" means the Code of Criminal Procedure, 1973;
- (c) "continuing unlawful activity" means an activity prohibited by law for the time being in force, which is a cognizable offence punishable with imprisonment for a term of three years or more, undertaken either singly or jointly, as a member of an organised crime syndicate or on behalf of such syndicate in respect of which more than one charge-sheets have been filed before a competent court within the preceding period of ten years and that court has taken cognizance of such offence;
- (d) "economic offences" include running of the ponzy schemes and the multi-level marketing schemes with a view to defraud the people for obtaining the monetary benefits or large scale organized betting in any form;
- (e) "organised crime" means any continuing unlawful activity and terrorist act including extortion, land grabbing, contract killing, economic offences, cyber crimes having severe consequences, running large scale gambling rackets, human trafficking for prostitution or ransom by an individual, singly or jointly, either as a member of an organised crime syndicate or on behalf of such syndicate, by use of violence or threat of violence or intimidation or coercion or other unlawful means, or engaging any individual or any member of such a syndicate by any person for pecuniary consideration with the object of gaining pecuniary benefits or gaining undue economic or other advantage for himself or for the organised crime syndicate;
- (f) "organised crime syndicate" means a group of two or more persons who, acting either singly or collectively, as a syndicate or gang indulging in activities of organised crime;
- (g) "Special Court" means the Special Court constituted under section 5;

2 of 1974.

- (h) "terrorist act" means an act committed with the intention to disturb law and order or public order or threaten the unity, integrity and security of the State or to strike terror in the minds of the people or any section of the people by doing an act using bombs, dynamite or any other explosive substance or inflammable material or firearms or other lethal weapons or poison or noxious gases or other chemicals or any other substance (whether biological or otherwise) hazardous in nature in such a manner so as to cause or likely to cause death or injury to any public functionary or any person or loss due to damage or destruction of property or disruption of any supplies or services essential to the life of the community or detains any person and threatens to kill or injure such person in order to compel the State Government to do or abstain from doing any act.

(2) Words and expressions used but not defined in this Act and defined in the Code shall have the meanings respectively assigned to them in the Code.

CHAPTER II

PUNISHMENT

3. (1) Whoever commits an offence of terrorist act or organised crime shall,-

Punishment for terrorist act and organised crime.

- (i) if such offence has resulted in the death of any person, be punishable with death or imprisonment for life and shall also be liable to fine which shall not be less than rupees ten lakhs ;
- (ii) in any other case, be punishable with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life and shall also be liable to fine which shall not be less than rupees five lakhs.

(2) Whoever conspires or attempts to commit or advocates, abets or knowingly facilitates the commission of any terrorist act or an organised crime or any act preparatory to any terrorist act or organised crime, shall be punishable with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life and shall also be liable to fine which shall not be less than rupees five lakhs.

(3) Whoever harbours or conceals or attempts to harbour or conceal any person who has committed an offence of any terrorist act or any member of an organised crime syndicate shall be punishable with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life and shall also be liable to fine which shall not be less than rupees five lakhs.

(4) Any person who is a member of an organised crime syndicate shall be punishable with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life and shall also be liable to fine which shall not be less than rupees five lakhs.

(5) Whoever holds any property derived, or obtained from commission of terrorist act or an organised crime or which has been acquired through the organised crime syndicate funds shall be punishable with imprisonment for a

term which shall not be less than three years but which may extend to imprisonment for life and shall also be liable to fine which shall not be less than rupees two lakhs.

Punishment for possessing unaccountable property on behalf of member of organised crime syndicate.

4. If any person on behalf of a member of an organised crime syndicate is, or at any time has been in possession of movable or immovable property which he cannot satisfactorily account for, shall be punishable with imprisonment for a term which shall not be less than three years but which may extend to imprisonment for ten years and shall also be liable to fine which shall not be less than rupees one lakh and such property shall also be liable for attachment and forfeiture, as provided by section 18.

CHAPTER III SPECIAL COURTS

Special Courts.

5. (1) The State Government may, with the concurrence of the Chief Justice of the High Court of Gujarat, by notification in the *Official Gazette*, constitute one or more Special Courts for such area or areas, or for such case or class or group of cases, as may be specified in the notification.

(2) Where any question arises as to the jurisdiction of any Special Court, it shall be referred to the State Government whose decision in the matter shall be final.

(3) A Special Court shall be presided over by a judge to be appointed by the State Government with the concurrence of the Chief Justice of the High Court of Gujarat.

(4) The State Government may also appoint, with the concurrence of the Chief Justice of the High Court of Gujarat, additional judges to exercise jurisdiction of the Special Court.

(5) A person shall not be qualified for appointment as a judge or an additional judge of a Special Court unless he immediately before such appointment, is a sessions judge or an additional sessions judge, respectively.

(6) Where any additional judge is or additional judges are appointed in Special Court, the judge of the Special Court may, from time to time, by general or special order in writing provide for the distribution of the business of the Special Court among himself and the additional judge or additional judges and also for the disposal of urgent business in the event of his absence or the absence of any additional judge.

Jurisdiction of Special Court.

6. Notwithstanding anything contained in the Code, every offence punishable under this Act shall be triable only by the Special Court within whose local jurisdiction it was committed or, as the case may be, by the Special Court constituted for trying such offence under sub-section (1) of section 5.

Powers of Special Court with respect to other offences.

7. (1) When trying any offence punishable under this Act, a Special Court may also try any other offence with which the accused may under the Code, be charged at the same trial if the offence is connected with such other offence.

(2) If, in the course of any trial of any offence under this Act, it is found that

the accused person has committed any other offence under this Act or under any other law, the Special Court may convict such person of such other offence and pass any sentence or award punishment authorised by this Act or, as the case may be, under such other law.

8. (1) The State Government shall appoint, for every Special Court, a person to be the Public Prosecutor and may appoint one or more persons to be the Additional Public Prosecutor and may also appoint for any case or class or group of cases, a Special Public Prosecutor. **Public Prosecutor.**

(2) A person shall not be qualified to be appointed as a Public Prosecutor, Additional Public Prosecutor or Special Public Prosecutor unless he has been in practice as an Advocate for a period of not less than ten years.

(3) Every person appointed as a Public Prosecutor or Additional Public Prosecutor or Special Public Prosecutor under this section shall be deemed to be a 'Public Prosecutor' within the meaning of clause (u) of section 2 of the Code, and the provisions of the Code shall have effect accordingly.

9. (1) Subject to the provisions of section 22, a Special Court may take cognizance of any offence, without the accused being committed to it for trial, upon receiving a complaint of facts which constitute such offence or upon a police report of such facts. **Procedure and powers of Special Court.**

(2) Where an offence triable by a Special Court is punishable with imprisonment for a term not exceeding three years or with fine or with both, the Special Court may, notwithstanding anything contained in sub-section (1) of section 260 or section 262 of the Code, try the offence in a summary way in accordance with the procedure prescribed in the Code and the provisions of sections 263 to 265 of the Code shall, as far as may be, apply to such trial:

- Provided that where in the course of summary trial under this sub-section, it appears to the Special Court that the nature of the case is such that it is undesirable to try in a summary way, the Special Court shall recall any witnesses who may have been examined and proceed to re-hear the case in the manner as provided by the provisions of the Code for the trial of such offence and the said provisions shall apply to and in relation to, a Special Court as they apply to and in relation to, a Magistrate:

Provided further that in case of any conviction in summary trial under this section, it shall be lawful for a Special Court to pass a sentence of imprisonment for a term not exceeding two years.

(3) Subject to the other provisions of this Act, a Special Court shall, for the purpose of trial of any offence, have all the powers of a Court of Session and shall try such offence as if it were a Court of Session so far as may be, in accordance with the procedure prescribed in the Code for the trial before a Court of Session.

10. The trial of any offence by a Special Court under this Act shall have precedence over the trial of any other case against the accused in any other court (not being a Special Court) and shall be concluded in preference of the trial of such other case and accordingly the trial of such other cases in any other court shall remain in abeyance. **Trial by Special Court to have precedence.**

Power to transfer cases to regular Courts.

11. Where, after taking cognizance of an offence, a Special Court is of the opinion that the offence is not triable by it, it shall, notwithstanding that it has no jurisdiction to try such offence, transfer the case for trial of such offence to the Court having jurisdiction under the Code and the Court to which the case is transferred shall proceed with the trial of the offence as if it has taken cognizance of the offence.

Transitional provisions and transfer of pending proceedings.

12. (1) The jurisdiction conferred by this Act on a Special Court, shall, until a Special Court is constituted under section 5, in the case of any offence punishable under this Act, notwithstanding anything contained in the Code, be exercised by the Court of Session of the division in which such offence has been committed and it shall have all the powers and follow the procedure as provided under this Act.

(2) On and from the date when the Special Court is constituted under section 5, every trial under the provisions of this Act, which would have been required to be held before the Special Court, shall stand transferred to that court.

Appeal.

13. (1) Notwithstanding anything contained in the Code, an appeal shall lie from any judgment, sentence or order, not being an interlocutory order, of a Special Court to the High Court.

(2) Every appeal under sub-section (1) shall be preferred within thirty days from the date of the judgment, sentence or order by the accused.

(3) In computing the period of limitation, the provisions of sections 4 and 12 of the Limitation Act, 1963 shall, so far as may be, apply.

36 of 1963.

CHAPTER IV

INTERCEPTION OF COMMUNICATION AND ATTACHMENT OF PROPERTY

Admissibility of evidence collected through interception.

14. Notwithstanding anything contained in the Code or in any other law for the time being in force, the evidence collected through the interception of wire, electronic or oral communication under the provisions of any other law shall be admissible as evidence against the accused in the Court during the trial of a case:

Provided that the contents of any wire, electronic or oral communication intercepted or evidence derived therefrom shall not be received in evidence or otherwise disclosed in any trial, hearing or other proceeding in any Court unless each accused has been furnished, not less than ten days before the trial, hearing or proceeding, with a copy of the order of the relevant Authority, under which the interception was authorised or approved:

Provided further that the period of ten days may be waived by the judge trying the offence, if he comes to the conclusion that it was not possible to furnish the accused with the aforesaid information ten days before the trial, hearing or proceeding and that the accused may not be prejudiced by the delay in receiving such information.

Special rules of evidence.

15. (1) Notwithstanding anything contained in the Code or the Indian Evidence Act, 1872, for the purposes of trial and punishment for offences

1 of 1872.

under this Act or connected offences, the court may take into consideration as having probative value, the fact that the accused was,-

(a) on any previous occasion executed bond under section 107 or section 110 of the Code;

(b) detained and convicted under any law relating to preventive detention; or

(c) on any previous occasion prosecuted under the provisions of this Act.

(2) Where it is proved that any person involved in any terrorist act or an organised crime or any person on his behalf is or has at any time been in possession of movable or immovable property which he cannot satisfactorily account for, the Special Court shall, unless contrary is proved, presume that such property or pecuniary resources have been acquired or derived by his illegal activities.

(3) Where it is proved that the accused has kidnapped or abducted any person, the Special Court shall presume that it was for ransom.

1 of 1872.

16. (1) Notwithstanding anything in the Code or in the Indian Evidence Act, 1872, but subject to the provisions of this section, a confession made by a person before a police officer not below the rank of the Superintendent of Police, or for the areas where the Commissioner of Police is appointed by the State Government, before a police officer not below the rank of the Superintendent of Police and recorded by such police officer either in writing or on any mechanical or electronic devices like cassettes, tapes or sound tracks from which sounds or images can be reproduced, shall be admissible in the trial of such accused, co-accused, abettor or conspirator for an offence under the provisions of this Act:

Certain confessions made to police officer to be taken into consideration.

Provided that the co-accused, abettor or conspirator is charge-sheeted and tried in the same case together with the accused.

(2) The confession made under sub-section (1) shall be recorded in the atmosphere free from threat and inducement and shall be in the same language in which the person makes it.

(3) The Police officer shall, before recording any confession by the person under sub-section (1), explain to such person that he is not bound to make a confession and that, if he does so, it may be used as evidence against him:

Provided that such police officer shall not record any such confession unless, upon questioning the person making it, he is satisfied that the confession is being made voluntarily.

(4) The concerned police officer shall, after recording such voluntary confession, certify in writing below the confession about his personal satisfaction of the voluntary character of the confession and mention the date and time of the same.

(5) Every confession recorded under sub-section (1) shall be sent in original forthwith to the Chief Metropolitan Magistrate or the Chief Judicial Magistrate having jurisdiction over the area in which such confession has been recorded and such Magistrate shall forward the recorded confession in original

so received to the Special Court which may take cognizance of the offence.

(6) The person from whom a confession has been recorded under sub-section (1) shall be produced, within forty-eight hours, before the Chief Metropolitan Magistrate or the Chief Judicial Magistrate to whom the confession is required to be sent under sub-section (5), alongwith the statement of confession, written or recorded on mechanical or electronic device which would be in its original form without any edition or being tempered with in anyway.

(7) The Chief Metropolitan Magistrate or the Chief Judicial Magistrate shall, record the statement, if any, made by the accused so produced and get his signature or thumb impression and if there is any complaint of torture, the accused shall be directed to be produced for medical examination before Civil Surgeon.

Protection of witnesses.

17. (1) Notwithstanding anything contained in the Code, the proceedings under this Act may be held in camera, if the Special Court so desires.

(2) A Special Court, on an application made by a witness in any proceeding before it or by the Public Prosecutor in relation to such witness or on its own motion, is satisfied that life of such witness is in danger, it may take such measures as it deems fit for keeping secret the identity and address of any witness.

(3) In particular, and without prejudice to the generality of the provisions of sub-section (2), the measures which a Special Court may take under that sub-section may include -'

- (a) the holding of the proceedings at a place to be decided by the Special Court;
- (b) the avoiding of the mention of the names and addresses of the witnesses in its orders or judgements or in any records of the case accessible to public ;
- (c) the issuing of any directions for securing that the identity and addresses of the witnesses are not disclosed;
- (d) a decision that it is in the public interest to order that all or any of the proceedings pending before such a Court shall not be published in any manner.

(4) Any person who contravenes any decision or direction issued under sub-section (3) shall be punishable with imprisonment for a term which may extend to one year and with finewhich may extend to one thousand rupees.

Attachment and forfeiture of property.

18. (1) No person shall hold or be in possession of any proceeds of any terrorist act or organised crime.

(2) If an officer, not below the rank of Superintendent of Police, investigating an offence committed under this Act, has reason to believe that any property in relation to which an investigation is being conducted, represents proceeds of any terrorist act or organised crime, he shall, with the prior approval in writing of the Director General of Police, make an order seizing such property, movable or immovable or both, and where it is not

practicable to seize such property, make an order of attachment directing that such property shall not be transferred or otherwise dealt with except with the prior permission of the officer making such order or, as the case may be, the Special Court and a copy of such order shall be served on the person concerned.

(3) The investigating officer shall duly inform the Special Court, within forty-eight hours of the seizure or attachment of such property.

(4) It shall be open to the Special Court either to confirm or revoke the order of seizure or attachment made under sub-section (2):

Provided that the Special Court shall not pass an order unless an opportunity of making representation is given to the person whose property is being attached.

(5) (a) If, upon a report in writing made by an investigating officer, the Special Court has reason to believe that any person who has committed an offence punishable under this Act has absconded or is concealing himself so that he may not be apprehended, the Special Court may, notwithstanding anything contained in section 82 of the Code, publish a written proclamation requiring him to appear at a specified place and at a specified time not less than fifteen days but not more than thirty days from the publication of such proclamation :

Provided that the investigating officer shall not make a report to the Special Court for issuing the proclamation until he tried and failed to arrest the accused who has absconded or is concealing himself, within a period of three months from the date of registering the offence against such person.

(b) The Special Court issuing a proclamation under clause (a) may, at any time, pass an order for attachment of any property, movable or immovable or both belonging to such accused and thereupon the provisions of sections 83 to 85 of the Code shall apply to such attachment.

(c) If the accused fails to appear before a Special Court as specified in the proclamation within a period of three months from the date of publication of proclamation, the Special Court shall pass an order for forfeiture of such property free from all encumbrances.

(d) If within a period of six months from the date of forfeiture of property under clause (c), the accused whose property has been forfeited, appears voluntarily before the Special Court and proves to the satisfaction of the Court that he did not abscond or conceal himself for the purpose of avoiding apprehension and that he had not received such notice of proclamation, the Special Court may pass an order for revoking the order of forfeiture of such property.

(6) Where the accused has been convicted of any offence punishable under this Act, the Special Court may, in addition to awarding any punishment, by order in writing, declare that any property, movable or immovable or both belonging to the accused and specified in the order shall stand forfeited to the State Government free from all encumbrances.

Explanation.- For the purpose of this section "proceeds of any terrorist act or

organised crime" means all kind of properties which have been derived or obtained from commission of any terrorist act or organised crime or have been acquired through funds traceable to any terrorist act or organised crime and shall include cash, irrespective of person in whose name such proceeds are standing or in whose possession they are found.

Certain
transfers to be
null and void.

19. Where, after issue of order of seizure or attachment made under section 18, any property referred to in such order is transferred by any mode whatsoever, such transfer shall, for the purpose of proceedings under this Act, be ignored and if such property is subsequently forfeited, the transfer of such property shall be deemed to be null and void.

CHAPTER V

MISCELLANEOUS

Modified
application
of certain
provisions of
Code.

20. (1) Notwithstanding anything contained in the Code or in any other law, every offence punishable under this Act shall be deemed to be a 'cognizable offence' within the meaning of clause (c) of section 2 of the Code and 'cognizable case' as defined in that clause and shall be construed accordingly.

(2) Section 167 of the Code shall apply in relation to a case involving an offence punishable under this Act subject to the modifications that in sub-section (2), -

- (a) the reference to "fifteen days" and "sixty days", wherever they occur, shall be construed as references to "thirty days" and "ninety days", respectively ;
- (b) after the existing proviso, the following proviso shall be inserted, namely :-

"Provided further that if it is not possible to complete the investigation within the said period of ninety days, the Special Court shall extend the said period upto one hundred and eighty days on the report of the Public Prosecutor indicating the progress of the investigation and the specific reasons for detention of the accused beyond the said period of ninety days."

(3) Nothing in section 438 of the Code shall apply in relation to any case involving the arrest of any person accused of having committed an offence punishable under this Act.

(4) Notwithstanding anything contained in the Code, no person accused of an offence punishable under this Act shall, if in custody, be released on bail or on his own bond, unless -

- (a) the Public Prosecutor has been given an opportunity to oppose the application of such release; and
- (b) where the Public Prosecutor opposes the application, the Special Court is satisfied that there are reasonable grounds for believing that accused is not guilty of committing such offence and that he is not likely to commit any offence while on bail.

(5) Notwithstanding anything contained in the Code, the accused shall not be granted bail if it is noticed by the Special Court that he was on bail in an offence under this Act, or under any other Act on the date of the offence in

question.

(6) The restriction on granting of bail specified in sub-sections (4) and (5) are in addition to the restriction under the Code or any other law for the time being in force on the granting of bail.

(7) The police officer seeking the custody of any person for pre-indictment or pre-trial interrogation from the judicial custody shall file a written statement explaining the reasons for seeking such custody and also for the delay, if any, in seeking the police custody.

21. (1) In a prosecution for an offence of terrorist act or organised crime punishable under section 3, if it is proved -

Presumption as to offences under section 3.

- (a) that unlawful arms and other material including documents or papers were recovered from the possession of the accused and there is a reason to believe that such unlawful arms and other material including documents or papers were used in the commission of such offence; or
- (b) that by the evidence of an expert, the finger prints of the accused were found at the site of the offence or on anything including unlawful arms and other materials like documents or papers and vehicles used in connection with the commission of such offence,

the Special Court shall presume, unless the contrary is proved, that the accused had committed such offence.

(2) In a prosecution for an offence punishable under sub-section (2) of section 3, if it is proved that the accused rendered any financial assistance to a person, having knowledge that such person is accused of, or reasonably suspected of, an offence of terrorist act or organised crime, the Special Court shall presume, unless the contrary is proved, that such person has committed the offence under the said sub-section (2).

22. (1) Notwithstanding anything contained in the Code, -

Cognizance of, and investigation into, an offence.

- (a) no information about the commission of an offence of organised crime under this Act, shall be recorded by a police officer without the prior approval of the police officer not below the rank of officer in charge of range of the concerned Districts or the Commissioner of Police, as the case may be;
- (b) no investigation of an offence under the provisions of this Act shall be carried out by a police officer below the rank of the Deputy Superintendent of Police, or for the areas where the Commissioner of Police is appointed by the State Government, by a police officer not below the rank of the Deputy Superintendent of Police.

(2) No Special Court shall take cognizance of any offence under this Act without the previous sanction of the police officer not below the rank of Additional Director General of Police, CID (Crime).

Punishment for
public servants
failing in
discharge of
their duties.

23. Whoever, being a public servant, renders any help or support in any manner in the commission of terrorist act or organised crime as defined in clause (d) of section 2, whether before or after the commission of any offence (h) or (e) by a member of an organised crime syndicate or abstains from taking lawful measures under this Act or intentionally avoids to carry out the directions of any Court or of the superior police officers in this respect, shall be punished with imprisonment of either description for a term which may extend to three years and with fine.

Overriding
effect.

24. The provisions of this Act and the rules or any order made thereunder shall have effect notwithstanding anything inconsistent effect therewith contained in any other law for the time being in force or in any instrument having the force of law.

Protection of
action taken in
good faith.

25. No suit, prosecution or other legal proceeding shall lie against the State Government or any officer or authority of the State Government for anything which is in good faith done or intended to be done in pursuance of this Act and the rules or any order made thereunder.

Power of High
Court to make
rules.

26. The High Court may, by notification in the *Official Gazette*, make such rules relating to the Special Courts, as it may deem necessary for carrying out the provisions of this Act,

Power of
State
Government
to make rules.

27. (1) Without prejudice to the powers of the High Court to make rules under section 26, the State Government may, by notification in the *Official Gazette*, make rules for carrying out the purposes of this Act.

(2) All rules made under this Act shall be laid for not less than thirty days before the State Legislature as soon as may be after they are made and shall be subject to rescission by the State Legislature or to such modification as the State Legislature may make during the session in which they are so laid or the session immediately following.

(3) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette* and shall thereupon take effect.

STATEMENT OF OBJECTS OF REASONS

The organized crime has for quite some years now come up as a very serious threat to our society. It knows no national boundaries and is fueled by illegal wealth generation by contract killing, extortion, smuggling in contrabands, illegal trade in narcotics, kidnappings for ransom, collection of protection money economic offences such as running of the ponzy schemes or the multi-level marketing schemes with a view to defraud the people for obtaining the monetary benefits or large scale organized betting in any form, cyber crimes, etc. The illegal wealth and black money generated by the organized crime is very huge and has serious adverse effect on economy. It is noticed that the organized criminal syndicates make a common cause with terrorist gangs and foster macro terrorism which extends beyond the national boundaries. There is reason to believe that organized criminal syndicates are operating in the State and thus, there is immediate need to curb their activities.

It is also noticed that the organized criminal syndicates make extensive use of wire and oral communications in their criminal activities. The interception of such communications to obtain evidence of the commission of crimes or to prevent the commission thereof is inevitable and an indispensable aid to law enforcement and administration of justice.

The existing legal frame work i.e. the penal and procedural laws and the adjudicatory system have been found to be rather inadequate to curb or control the menace of organized crimes. It is, therefore, considered necessary to enact a special law with stringent and deterrent provisions including in certain circumstances power to intercept wire, electronic or oral communication to control the menace of the organized crimes.

The following notes on clause explain the important provisions of the Bill:-

- | | |
|--------------------|--|
| <i>Clause 1.-</i> | This clause provides for the short title, extent and commencement. |
| <i>Clause 2.-</i> | This clause defines certain terms used in the Bill. |
| <i>Clause 3.-</i> | This clause provides for punishment for terrorist acts and organized crimes. |
| <i>Clause 4.-</i> | This clause provides for punishment for possessing unaccountable property on behalf of members of organized crime syndicate. |
| <i>Clause 5.-</i> | This clause provides for constitution of the Special Courts for trial of offences committed under the Act. |
| <i>Clause 6.-</i> | This clause provides for jurisdiction of Special Court. |
| <i>Clause 7.-</i> | This clause provides for powers of Special Court with respect to other offences. |
| <i>Clause 8.-</i> | This clause provides for the appointment of Public Prosecutor, additional Public Prosecutor and the Special Public Prosecutor. |
| <i>Clause 9.-</i> | This clause provides for procedure and powers of Special Court. |
| <i>Clause 10.-</i> | This clause provides that trial by Special Court to have precedence against any Court. |
| <i>Clause 11.-</i> | This clause provides for transfer of cases to regular Courts if |

- offences are not triable by Special Court.
- Clause 12.-* This clause provides that until Special Court is constituted, the Court of sessions of the division shall have all the powers of Special Court to try offences under the Act.
- Clause 13.-* This clause provides for Appeal against the order of the Special Court.
- Clause 14.-* This clause provides for admissibility of evidence collected through interception.
- Clause 15.-* This clause provides for Special rules of evidence for trial under the Act.
- Clause 16.-* This clause provides for confessions made by the accused before police officer to be taken into consideration.
- Clause 17.-* This clause provides for Protection of witnesses.
- Clause 18.-* This clause provides for attachment and forfeiture of property acquired from the proceeds of organised crime.
- Clause 19.-* This clause provides for Certain transfers of properties to be null and void.
- Clause 20.-* This clause provides for modification of certain provisions of the Code of Criminal Procedure in its application to this Act.
- Clause 21.-* This clause provides for presumption as to offences under section 3 unless contrary is proved.
- Clause 22.-* This clause provides for cognizance of, and investigation into, an offence.
- Clause 23.-* This clause provides for punishment for public servants failing in the discharge of their duties.
- Clause 24.-* This clause provides for overriding effect over other laws.
- Clause 25.-* This clause provides for protection of action taken in good faith.
- Clause 26.-* This clause empowers the High Court to make rules relating to special Courts.
- Clause 27.-* This clause empowers the State Government to make rules.

RAJNIKANT PATEL,

FINANCIAL MEMORANDUM

This Bill, if enacted and brought into force would not involve any expenditure from the Consolidated Fund of the State.

Clause 5 empowers the State Government to constitute one or more special courts for such area or areas for the trial of offences committed under this act in the State. In the beginning State Government may constitute Special Courts. However, the existing sessions courts can be designated as Special Courts (in consultation with the High Court) for the purpose of conducting trial of these cases and hence there will be no financial burden.

Clause 8 empowers the State Government to appoint the Public Prosecutor or Additional Public Prosecutor or Additional Public Prosecutor or

Special Public Prosecutor for every special court. The existing Public Prosecutors and Assistant Public Prosecutors may be appointed specially for conducting these cases and hence there will be no additional expenditure.

RAJNIKANT PATEL,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill Involves delegation of legislative powers in the following respects:

- Clause 1.-* Sub-clause (3) of this clause empowers the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force.
- Clause 5.-* Sub-clause (1) of this clause empowers the State Government to constitute by notification in the *Official Gazette* one or more Special Courts.
- Clause 26.-* This clause empowers the High Court to make rules, by notification in the *Official Gazette*, relating to the special court for carrying out the provisions of this Act.
- Clause 27.-* Sub-clause (1) of this clause empowers the State Government to make rules, by notification in the *Official Gazette*, for carrying out the purpose of this Act.

The delegation of legislative powers as aforesaid is necessary and is of a normal character.

Dated the 20th March, 2015.

RAJNIKANT PATEL.

By order and in the name of the Governor of Gujarat,

Gandhinagar,
Dated the 20th March, 2015.

C. J. GOTH,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. LVI] MONDAY, MARCH 23, 2015/CAITRA 2, 1937

Separate paging is given to this Part in order that it may be filed as a Separate Compilation

PART - V

Bills introduced in the Gujarat Legislative Assembly.

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT DISTRICT PLANNING COMMITTEES (AMENDMENT) BILL, 2015.

GUJARAT BILL NO. 19 OF 2015.

A BILL

further to amend the Gujarat District Planning Committees Act, 2008.

It is hereby enacted in the Sixty-sixth Year of the Republic of India as follows:-

1. This Act may be called the Gujarat District Planning Committees (Amendment) Act, 2015. Short title.
2. In the Gujarat District Planning Committees Act, 2008 (hereinafter referred to as "the principal Act"), in section 3, - Amendment of section 3 of Guj. 11 of 2008.
 - (1) in sub-section (1), for the words "not less than thirty and not more than forty as it may determine", the words "as may be determined by the State Government for each of such districts" shall be substituted;
 - (2) in sub-section (2), -

- (a) clause (v) shall be deleted;
- (b) in clause (vi), for the words "as determined", the words "as may be determined" shall be substituted.

Amendment
of section 9
of Guj. 11
of 2008.

3. In the principal Act, in section 9, -

- (1) in sub-section (2), for the words "Minimum of ten members", the words "One-third of the total members" shall be substituted;
- (2) for sub-section (3), the following sub-section shall be substituted, namely :-

"(3) The District Planning Officer shall be the *ex-officio* Secretary of the Committee who shall maintain records and the proceedings of the meetings of the Committee and shall take such actions as the Committee may decide."

STATEMENT OF OBJECTS AND REASONS

The State Government has enacted the Gujarat District Planning Committees Act, 2008 (Guj. 11 of 2008) for the constitution of the District Planning Committee at the district level as required under article 243ZD of the Constitution of India.

Section 3 of the said Act provides for the constitution of the District Planning Committee in each district consisting of such number of persons not less than thirty and not more than forty. However, a difficulty has been experienced in providing the minimum strength of thirty persons for constituting the committees in the districts like Dangs, Tapti, Narmada, Botad and Mahisagar which do not have required number of elected members in the District Panchayats. To overcome this difficulty and in order to provide for constitution of Committees in the districts having the lesser strength of elected members, it is considered necessary to amend sub-section (1) of section 3 of the said Act by doing away with the existing provision of minimum thirty persons and not more than forty persons and inserting a provision to the effect that the State Government shall constitute such committee in each District of such number of members as it may determine for each of such districts. It is also proposed that the District Planning Officer shall be the *ex-officio* Secretary of the Committee, for which the provision of section 9 is suitably amended.

This Bill seeks to amend the said Act to achieve the aforesaid objects.

SAURABH PATEL,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill provides for delegation of legislative power in the following respect :-

Clause 2.- Sub-section (1) of section 3 proposed to be amended by this clause empowers the State Government to determine, by notification in the *Official Gazette*, number of members of the District Planning Committee for each district.

The delegation of legislative power as aforesaid is necessary and is of a normal character.

Dated the 23rd March, 2015.

SAURABH PATEL.

By order and in the name of the Governor of Gujarat,

Gandhinagar,
Dated the 23rd March, 2015

C. J. GOTH,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.



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PART - V

Bills introduced in the Gujarat Legislative Assembly.

CORRIGENDUM

In the Gujarat Private Universities (Second Amendment) Bill, 2015, (Bill No. 8 of 2015) published in the Gujarat Government Gazette Extra-ordinary No. 8 Part V, dated 12th March, 2015 at pages 1 to 3, -

- (1) in clause 1, in sub-clause (1) for “2014” read “2015”;
- (2) in clause 2, in the table, in column 4, for “Wagodia” read “Waghodia”.

P. G. SHAH,
I/c. Senior Manager,
Government Central Press,
Gandhinagar.



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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE MAHARAJA SAYAJIRAO UNIVERSITY OF BARODA (AMENDMENT) BILL, 2015.

GUJARAT BILL NO. 20 OF 2015.

A BILL

further to amend the Maharaja Sayajirao University of Baroda Act, 1949.

It is hereby enacted in the Sixty-sixth Year of the Republic of India as follows :-

1. (1) This Act may be called the Maharaja Sayajirao University of Baroda (Amendment) Act, 2015. Short comm

(2) It shall come into force at once.

Baroda Act No. XVII of 1949. 2. In the Maharaja Sayajirao University of Baroda Act, 1949, in section 9, for sub-section (1), the following sub-section shall be substituted, Amendment section Barod XVII
namely:-

“(1) Shrimati Shubhangini Raje Gaekwad shall be the Chancellor of the University.”.

STATEMENT OF OBJECTS AND REASONS

The State Government by the Maharaja Sayajirao University of Baroda (Amendment) Act, 1989, thereby amending the then existing provision of sub-section (1) of section 9 of the Maharaja Sayajirao University of Baroda Act, 1949 had appointed Smt. Mrunalinidevi Puar as the Chancellor of the Maharaja Sayajirao University of Baroda. On account of her demise, a new Chancellor is required to be appointed. After due consideration, the State Government has thought it fit to appoint Shrimati Shubhangini Raje Gaekwad as the Chancellor of the said University and, therefore, suitable amendment is proposed in sub-section (1) of section 9 of the said Act of 1949.

This Bill seeks to amend the said Act of 1949 to achieve the aforesaid object.

Dated the 25th March, 2015.

BHUPENDRASINH CHUDASAMA.

By order and in the name of the Governor of Gujarat,

C. J. GOTH,

Gandhinagar,

Dated the 25th March, 2015.

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.



सत्यमेव जयते

The Gujarat Government Gazette

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Separate paging is given to this part in order that it may be filed as a Separate Compilation.

PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT APPROPRIATION BILL, 2015. GUJARAT BILL NO. 21 OF 2015.

A BILL

to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of the State of Gujarat for the services of the financial year ending on the thirty-first day of March, 2016.

It is hereby enacted in the Sixty-sixth Year of the Republic of India as follows :-

1. This Act may be called the Gujarat Appropriation Act, 2015.

Short title.

2. From and out of the Consolidated Fund of the State of Gujarat, there may be withdrawn sums not exceeding those specified in column 3 of the Schedule hereto annexed amounting in the aggregate to the sum of one lakh thirty-nine thousand one hundred thirty-nine crores, thirty-five lakhs, forty-eight thousand rupees towards defraying the several charges which will come in course of payment during the financial year 2015-2016 in respect of the services and purposes specified in column 2 of the Schedule.

Withdrawal of
₹ 13,91,39,35,48,000/-
from and out of the
Consolidated Fund of
the State of Gujarat
for the financial year
2015-2016.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of the State of Gujarat by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

Appropriation.

| SCHEUDLE | | | | | |
|--------------------------------------|--|---------------------|-------------------|---|--------------|
| (See Sections 2 and 3) | | | | | |
| Demand No. Vote/ Appropriation | Services and Purposes | Revenue/ Capital | Sum not exceeding | | |
| | | | Voted | Charged on the Consolidated Fund | Total |
| | | | ₹ | ₹ | ₹ |
| 1 | 2 | | 3 | | |
| 1 | Agriculture and Co-operation Department | Revenue | 180540000 | | 180540000 |
| | | Capital | 3300000 | | 3300000 |
| 2 | Agriculture | Revenue | 27095843000 | | 27095843000 |
| | | Capital | 1050000000 | | 1050000000 |
| 3 | Minor Irrigation, Soil Conservation and Area Development. | Revenue | 532897000 | | 532897000 |
| | | Capital | 1099000000 | | 1099000000 |
| 4 | Animal Husbandry | Revenue | 4976074000 | | 4976074000 |
| 5 | Co-operation | Revenue | 4783404000 | | 4783404000 |
| | | Capital | 761200000 | | 761200000 |
| 6 | Fisheries | Revenue | 1583958000 | | 1583958000 |
| | | Capital | 447000000 | | 447000000 |
| 7 | Other expenditure pertaining to Agriculture and Co-operation Department. | Capital | 4100000 | | 4100000 |
| 8 | Education Department | Revenue | 114469000 | | 114469000 |
| 9 | Education | Revenue | 191343109000 | 2255001000 | 193598110000 |
| | | Capital | 10916749000 | | 10916749000 |
| 10 | Other expenditure pertaining to Education Department | Revenue | 18946000 | | 18946000 |
| | | Capital | 410210000 | | 410210000 |
| 11 | Energy and Petro-Chemicals Department | Revenue | 38773000 | | 38773000 |
| 12 | Tax Collection Charges (Energy and Petro-Chemicals Department) | Revenue | 201005000 | | 201005000 |
| 13 | Power Projects | Revenue | 47476231000 | | 47476231000 |
| | | Capital | 23383898000 | | 23383898000 |
| 14 | Other expenditure pertaining To Energy and Petro-Chemicals Department | Revenue | 7100000 | | 7100000 |
| | | Capital | 1001301000 | | 1001301000 |
| 15 | Finance Department | Revenue | 194703000 | | 194703000 |
| 16 | Tax Collection Charges (Finance Department) | Revenue | 2359812000 | | 2359812000 |

| | | | | | |
|----|--|---------|-------------|--------------|--------------|
| 17 | Treasury and Accounts Administration | Revenue | 1383882000 | | 1383882000 |
| 18 | Pension and other Retirement Benefits | Revenue | 64209743000 | | 64209743000 |
| 19 | Other expenditure pertaining to Finance Department | Revenue | 40706412000 | | 40706412000 |
| | | Capital | 9900000 | 100000 | 10000000 |
| 20 | Repayment of Debt pertaining to Finance Department and its servicing | Revenue | 0 | 156058447000 | 156058447000 |
| | | Capital | 0 | 59274903000 | 59274903000 |
| 21 | Food, Civil Supplies and Consumer Affairs Department. | Revenue | 296567000 | | 296567000 |
| 22 | Civil Supplies | Revenue | 3632473000 | | 3632473000 |
| 23 | Food | Revenue | 903479000 | | 903479000 |
| | | Capital | 1429160000 | | 1429160000 |
| 24 | Other expenditure Pertaining to Food, Civil Supplies and Consumer Affairs Department | Capital | 101000 | | 101000 |
| 25 | Forests and Environment Department | Revenue | 120951000 | | 120951000 |
| 26 | Forests | Revenue | 3937690000 | 1900000 | 3939590000 |
| | | Capital | 3877453000 | | 3877453000 |
| 27 | Environment | Revenue | 300000000 | | 300000000 |
| 28 | Other expenditure pertaining to Forest and Environment Department. | Capital | 4550000 | | 4550000 |
| 29 | Governor | Revenue | | 61307000 | 61307000 |
| 30 | Council of Ministers | Revenue | 40094000 | | 40094000 |
| 31 | Elections | Revenue | 818908000 | | 818908000 |
| 32 | Public Service Commission | Revenue | 76506000 | 173169000 | 249675000 |
| 33 | General Administration Department | Revenue | 1485377000 | | 1485377000 |
| 34 | Economic Advice and Statistics | Revenue | 426013000 | | 426013000 |
| 35 | Other expenditure pertaining to General Administration Department | Revenue | 258146000 | 2458000 | 260604000 |
| | | Capital | 9636331000 | | 9636331000 |
| 36 | State Legislature | Revenue | 278480000 | 3180000 | 281660000 |
| 37 | Loans and Advances to Government Servants in Gujarat Legislature Secretariat | Capital | 3407000 | | 3407000 |

| | | | | | |
|----|---|---------|-------------|---------|-------------|
| 38 | Health and Family Welfare Department | Revenue | 102672000 | | 102672000 |
| 39 | Medical and Public Health | Revenue | 37705839000 | | 37705839000 |
| | | Capital | 16664279000 | | 16664279000 |
| 40 | Family Welfare | Revenue | 6938760000 | | 6938760000 |
| | | Capital | 114086000 | | 114086000 |
| 41 | Other expenditure pertaining to Health and Family Welfare Department | Revenue | | 6810000 | 6810000 |
| | | Capital | 3000000 | | 3000000 |
| 42 | Home Department | Revenue | 166053000 | | 166053000 |
| 43 | Police | Revenue | 33645491000 | | 33645491000 |
| 44 | Jails | Revenue | 1015863000 | | 1015863000 |
| 45 | State Excise | Revenue | 156711000 | | 156711000 |
| 46 | Other expenditure pertaining to Home Department. | Revenue | 1717644000 | 6000000 | 1723644000 |
| | | Capital | 5915489000 | | 5915489000 |
| 47 | Industries and Mines Department. | Revenue | 207106000 | | 207106000 |
| 48 | Stationery and Printing | Revenue | 611389000 | | 611389000 |
| | | Capital | 56000000 | | 56000000 |
| 49 | Industries | Revenue | 19551842000 | | 19551842000 |
| | | Capital | 2374700000 | | 2374700000 |
| 50 | Mines and Minerals | Revenue | 3006056000 | | 3006056000 |
| | | Capital | 55000000 | | 55000000 |
| 51 | Tourism | Revenue | 868157000 | | 868157000 |
| | | Capital | 4655000000 | | 4655000000 |
| 52 | Other expenditure pertaining to Industries and Mines Department | Revenue | 600050000 | | 600050000 |
| | | Capital | 2432070000 | | 2432070000 |
| 53 | Information and Broadcasting Department | Revenue | 18500000 | | 18500000 |
| 54 | Information and Publicity | Revenue | 916146000 | | 916146000 |
| 55 | Other expenditure pertaining to Information and Broadcasting Department | Revenue | 59527000 | | 59527000 |
| | | Capital | 1500000 | | 1500000 |
| 56 | Labour and Employment Department | Revenue | 127430000 | | 127430000 |
| 57 | Labour and Employment | Revenue | 9112681000 | | 9112681000 |
| | | Capital | 1341320000 | | 1341320000 |
| 58 | Other expenditure pertaining to Labour and Employment Department | Capital | 3250000 | | 3250000 |

| | | | | | |
|----|--|---------|-------------|------------|-------------|
| 59 | Legal Department | Revenue | 105614000 | | 105614000 |
| 60 | Administration of Justice | Revenue | 8678838000 | 1136050000 | 9814888000 |
| 61 | Other expenditure pertaining to Legal Department - - - | Revenue | 657076000 | | 657076000 |
| | | Capital | 17700000 | | 17700000 |
| 62 | Legislative and Parliamentary Affairs Department | Revenue | 76943000 | | 76943000 |
| 63 | Other expenditure pertaining to Legislative and Parliamentary Affairs Department | Capital | 700000 | | 700000 |
| 64 | Narmada, Water Resources, Water Supply and Kalpsar Department | Revenue | 175291000 | | 175291000 |
| 65 | Narmada Development Scheme | Capital | 47720000000 | | 47720000000 |
| 66 | Irrigation and Soil Conservation | Revenue | 10191411000 | 4000000 | 10195411000 |
| | | Capital | 37436766000 | 500000000 | 37936766000 |
| 67 | Water Supply | Revenue | 959400000 | | 959400000 |
| | | Capital | 16533000000 | | 16533000000 |
| 68 | Other expenditure pertaining to Narmada, Water Resources, Water Supply and Kalpsar Department. | Revenue | | 950000000 | 950000000 |
| | | Capital | 11000000 | | 11000000 |
| 69 | Panchayats, Rural Housing and Rural Development Department | Revenue | 94787000 | | 94787000 |
| 70 | Community Development | Revenue | 17691169000 | | 17691169000 |
| 71 | Rural Housing and Rural Development | Revenue | 18722529000 | 2155000000 | 20877529000 |
| 72 | Compensation and Assignments | Revenue | 1428691000 | | 1428691000 |
| 73 | Other expenditure pertaining to Panchayats, Rural Housing and Rural Development Department | Revenue | 6333820000 | | 6333820000 |
| | | Capital | 34810000 | | 34810000 |
| 74 | Transport | Revenue | 5067265000 | | 5067265000 |
| | | Capital | 5244717000 | | 5244717000 |
| 75 | Other expenditure pertaining to Ports and Transport Department | Revenue | 823948000 | | 823948000 |
| | | Capital | 157652000 | | 157652000 |
| 76 | Revenue Department | Revenue | 297183000 | | 297183000 |
| 77 | Tax Collection Charges (Revenue Department) | Revenue | 3317763000 | | 3317763000 |
| 78 | District Administration | Revenue | 3930328000 | | 3930328000 |

| | | | | | |
|----|---|---------|-------------|-----------|-------------|
| 79 | Relief on account Natural Calamities | Revenue | 13314243000 | | 13314243000 |
| | | Capital | 1515819000 | | 1515819000 |
| 80 | Dang District | Revenue | 486091000 | | 486091000 |
| 81 | Compensation and Assignment | Revenue | 4727965000 | 900000 | 4728865000 |
| | | Capital | 1100000 | 200000 | 1300000 |
| 82 | Other expenditure pertaining to Revenue Department | Revenue | 31415000 | | 31415000 |
| | | Capital | 2610000 | | 2610000 |
| 83 | Roads and Building Department | Revenue | 153084000 | | 153084000 |
| 84 | Non-Residential Buildings | Revenue | 6357094000 | 6000000 | 6363094000 |
| | | Capital | 13256943000 | | 13256943000 |
| 85 | Residential Buildings | Revenue | 1748367000 | | 1748367000 |
| | | Capital | 2254908000 | | 2254908000 |
| 86 | Roads and Bridges | Revenue | 34228488000 | 41200000 | 34269688000 |
| | | Capital | 23776829000 | 38000000 | 23814829000 |
| 87 | Gujarat Capital Construction Scheme | Revenue | 163236000 | | 163236000 |
| | | Capital | 1979321000 | 700000 | 1980021000 |
| 88 | Other expenditures pertaining to Roads and Buildings Department | Revenue | 171653000 | 150000000 | 321653000 |
| | | Capital | 60800000 | | 60800000 |
| 89 | Science and Technology Department | Revenue | 1916757000 | | 1916757000 |
| 90 | Other expenditure pertaining to Science and Technology Department | Revenue | 1258227000 | | 1258227000 |
| | | Capital | 140010000 | | 140010000 |
| 91 | Social Justice and Empowerment Department | Revenue | 62576000 | | 62576000 |
| 92 | Social Security and Welfare | Revenue | 11952829000 | 19500000 | 11972329000 |
| | | Capital | 420880000 | | 420880000 |
| 93 | Welfare of Scheduled Tribes | Revenue | 2826323000 | | 2826323000 |
| | | Capital | 405293000 | | 405293000 |
| 94 | Other expenditure pertaining to Social Justice and Empowerment Department | Capital | 1600000 | | 1600000 |
| 95 | Scheduled Castes Sub-Plan | Revenue | 27999223000 | | 27999223000 |
| | | Capital | 11472525000 | | 11472525000 |
| 96 | Tribal Area Sub-Plan | Revenue | 59506500000 | 60000000 | 59566500000 |
| | | Capital | 39615833000 | 60000000 | 39675833000 |
| 97 | Sports, Youth and Cultural Activities Department | Revenue | 56601000 | | 56601000 |

| | | | | | |
|-----|--|---------|---------------|--------------|---------------|
| 98 | Youth Services and Cultural Activities | Revenue | 2991187000 | | 2991187000 |
| | | Capital | 730100000 | | 730100000 |
| 99 | Other expenditure pertaining to Sports, Youth and Cultural Activities Department | Capital | 1150000 | | 1150000 |
| 100 | Urban Development and Urban Housing Department | Revenue | 58227000 | | 58227000 |
| 101 | Urban Housing | Revenue | 9298167000 | 1450475000 | 10748642000 |
| 102 | Urban Development | Revenue | 73107571000 | | 73107571000 |
| | | Capital | 7910000000 | | 7910000000 |
| 103 | Compensation, Assignment and Tax Collection Charges | Revenue | 1482000000 | 300000000 | 1782000000 |
| 104 | Other expenditure pertaining to Urban Development and Urban Housing Department | Revenue | 3402000 | | 3402000 |
| | | Capital | 1102000 | | 1102000 |
| 105 | Women and Child Development Department | Revenue | 37565000 | | 37565000 |
| 106 | Other expenditure pertaining to Women and Child Development Department | Revenue | 17847919000 | 9800000 | 17857719000 |
| | | Capital | 859900000 | | 859900000 |
| 107 | Climate Change Department | Revenue | 7758000 | | 7758000 |
| 108 | Other expenditure Pertaining to Climate Change Department | Revenue | 796000000 | | 796000000 |
| | Total: | Revenue | 867452026000 | 164851197000 | 1032303223000 |
| | | Capital | 299216422000 | 59873903000 | 359090325000 |
| | Grand Total: | | 1166668448000 | 224725100000 | 1391393548000 |

STATEMENT OF OBJECTS AND REASONS

Article 204(1) of the Constitution of India requires that as soon as may be after the grants have been made by the Assembly, there shall be introduced a Bill to provide for the appropriation out of the Consolidated Fund of the State, of all moneys required to meet-

- (a) the grants so made by the Assembly, and
- (b) the expenditure charged on the Consolidated Fund of the State but not exceeding in any case the amount shown in the Statement previously laid before the Legislative Assembly.

The Bill accordingly specifies the gross amount required to meet grants made by the Assembly and the expenditure charged on the Consolidated Fund of the State for the financial year ending on the 31st March, 2016.

The amounts are shown below: -

₹

| | | |
|-----|---------------------|----------------------|
| (a) | Revenue Expenditure | 10,32,30,32,23,000/- |
| (b) | Capital Expenditure | 3,59,09,03,25,000/- |

Total :

13,91,39,35,48,000/-

Dated the 27th March, 2015.

SAURABH PATEL.

By order and in the name of the Governor of Gujarat,

Gandhinagar,
Dated the 27th March, 2015.

C. J. GOTH,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.



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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT ELECTRICITY DUTY (AMENDMENT) BILL, 2015.

GUJARAT BILL NO. 22 OF 2015.

A BILL

further to amend the Gujarat Electricity Duty Act, 1958.

It is hereby enacted in the Sixty-sixth Year of the Republic of India as follows:-

1. This Act may be called the Gujarat Electricity Duty (Amendment) Act, 2015. Short title.

Bom. XL of
1958.

2. In the Gujarat Electricity Duty Act, 1958 (hereinafter referred to as "the principal Act"), in section 4, in sub-section (1), the words "a first charge on the amount" shall be deleted.

Amendment of
section 4 of Bom.
XL of 1958.

Insertion of new
section 8A in
Bom. XL of
1958.

3. In the principal Act, after section 8, the following section shall be inserted, namely:-

Tax to be first
charge on
electricity duty.

“8A. Notwithstanding anything to the contrary contained in any law for the time being in force, any amount payable by the consumer, licensee or a person on account of electricity duty, interest or penalty which he is liable to pay to the State Government under this Act, shall be the first charge on the property of such consumer, licensee or, as the case may be, such person.”.

STATEMENT OF OBJECTS AND REASONS

It is well settled law that sovereign debts or outstanding dues of the State Government are given priority over other debts. Citizens are bound to pay statutory debts before they pay their dues to other creditors. The statutory dues have priority over the dues of secured creditors if there is a provision in the particular statute.

Section 4 of the Gujarat Electricity Duty Act, 1958 *inter alia* provides that the electricity duty payable by the licensee to the State Government shall be a first charge on the amount recoverable by the licensee for the energy supplied by him. However, there is no such provision with regard to the consumers and other persons who are not licensees but who generate energy and supplies the same to other persons. Also there is no provision for statutory first charge in respect of the interest or penalty, if any, payable by the licensee. It is, therefore, necessary to create a statutory first charge on the amount of electricity duty, interest or penalty which is liable to be paid to the State Government by the consumer, licensee or a person, as the case may be, under the said Act. By creating the first charge on the property of such consumer, licensee or a person, as the case may be, dues recoverable under the said Act shall have priority over the secured debts. A new section 8A in the said Act is, therefore, intended to be inserted as also provisions of sub-section (1) of section 4 are proposed to be amended suitably.

This Bill seeks to amend the said Act to achieve the aforesaid objects.

Dated the 17th August, 2015.

SAURABH PATEL.

By order and in the name of the Governor of Gujarat,

Gandhinagar,
Dated the 19th August, 2015.

C. J. GOTH,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.



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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*.
The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT LOCAL AUTHORITIES LAWS (SECOND AMENDMENT)

BILL, 2015.

GUJARAT BILL NO. 23 OF 2015.

A BILL

*further to amend the Gujarat Provincial Municipal Corporations Act, 1949,
the Gujarat Municipalities Act, 1963 and the Gujarat Panchayats Act, 1993.*

It is hereby enacted in the Sixty-sixth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Local Authorities Laws
(Second Amendment) Act, 2015.

Short title and
commencement.

(2) It shall be deemed to have come into force on the 24th July, 2015.

Amendment of
section 10 of
Bom. LIX of
1949.

2. In the Gujarat Provincial Municipal Corporations Act, 1949 (hereinafter referred to as "the Municipal Corporations Act"), in section 10, after sub-section (3), the following sub-section shall be added, namely:-

Bom. LIX of
1949.

"(4) A person shall be disqualified to continue as a councillor if such person has been declared as a defaulter voter under section 16D, subject to the decision in appeal, if preferred under section 16E."

Amendment of
section 15 of Bom.
LIX of 1949.

3. In the Municipal Corporations Act, in section 15, in sub-section (1), after the existing proviso, the following proviso shall be added, namely:-

"Provided, however, that such vacancy of a councillor in any Corporation, if any, existing on the date of coming into force of the Gujarat Local Authorities Laws (Second Amendment) Act, 2015, if could not be filled within such period of six months, the same shall be filled in at the time of the general elections if the same are to be held on or before the 31st December, 2015, for constituting the other Corporations whose term are due to expire."

Guj... of
2015.

Amendment of
section 11 of Guj.
34 of 1964.

4. In the Gujarat Municipalities Act, 1963 (hereinafter referred to as "the Municipalities Act"), in section 11, after sub-section (4), the following sub-section shall be added, namely:-

Guj. 34 of
1964.

"(5) A person shall be disqualified to continue as a councillor if such person has been declared as a defaulter voter under section 15D, subject to the decision in appeal, if preferred under section 15E."

Amendment of
section 42 of Guj.
34 of 1964.

5. In the Municipalities Act, in section 42, to sub-section (2), the following proviso shall be inserted, namely:-

"Provided, however, that vacancy of a councillor in any municipality, if any, existing on the date of coming into force of the Gujarat Local Authorities Laws (Second Amendment) Act, 2015, if could not be filled within such period of six months, the same shall be filled in at the time of the general elections if the same are to be held on or before the 31st December, 2015, for constituting the other municipalities whose term are due to expire."

Guj. ... of
2015.

Amendment of
section 266 of Guj.
34 of 1964.

6. In the Municipalities Act, in section 266, in sub-section (1), to clause (i), the following proviso shall be inserted, namely:-

"Provided, however, that if any such election is required to be held on the date of coming into force the Gujarat Local Authorities Laws (Second Amendment) Act, 2015, or immediately thereafter, if could not be held within such period of six month, the same shall be held at the time of general elections if the same are to be held on or before 31st December, 2015, for constituting the other municipalities whose term are due to expire."

Guj... of
2015.

7. In the Municipalities Act, in section 266B, to clause (dd), the following proviso shall be inserted, namely :-
- Amendment of
Section 266 B of
Guj. 34 of 1964.
- Guj... of
2015.
- “Provided, however, that if any such municipality is required to be reconstituted on the date of coming into force of the Gujarat Local Authorities Laws (Second Amendment) Act, 2015 or immediately thereafter, if could not be reconstituted within such period of six months, the same shall be reconstituted at the time of general elections if the same are to be held on or before 31st December, 2015, for constituting other municipalities whose term are due to expire;”.
8. In the Municipalities Act, in section 277, to sub-section (3), the following proviso shall be inserted, namely:-
- Amendment of
section 277 of
Guj. 34 of 1964.
- “Provided that if the State Government is satisfied that circumstances exist which render it necessary to take immediate action, it may dispense with the previous publication of any rule to be made under this section.”.
- Guj. 18 of
1993.
9. In the Gujarat Panchayats Act, 1993 (hereinafter referred to as “the Panchayats Act”), in section 30, after sub-section (2), the following sub-section shall be added, namely:-
- Amendment of
section 30 of Guj
18 of 1993.
- “(3) A person shall be disqualified to continue as a member of a Panchayat if such person has been declared as a defaulter voter under sub-section (3) of section 34D subject to the decision in appeal, if preferred under section 34E.”.
10. In the Panchayats Act, in section 274, for sub-section (5), the following sub-section shall be substituted, namely:-
- Amendment of
section 274 of Gu
18 of 1993.
- “(5) The power to make rules conferred by this section is subject to the condition of the rules being made after previous publication:
- Provided that if the State Government is satisfied that circumstances exist which render it necessary to take immediate action, it may dispense with the previous publication of any rule to be made under this section:
- Provided further that such previous publication of the rules shall not be necessary where the rules provide for any of the matters specified in Chapter XIII.”.
- Repeal and
savings.
11. (1) The Gujarat Local Authorities Laws (Amendment) Ordinance, 2015 is hereby repealed.
- Guj. Ord. 1 of
2015.
- (2) Notwithstanding such repeal, anything done or any action taken under the Gujarat Provincial Municipal Corporations Act, 1949, the Gujarat Municipalities Act, 1963 or, as the case may, the Gujarat Panchayats Act, 1993, as amended by the said Ordinance, shall be deemed to have been done or taken under the said Acts as amended by this Act.
- Bom. LIX of
1949. Guj. 34 of
1964. Guj. 18 of
1993.

STATEMENT OF OBJECTS AND REASONS

The State Government had inserted certain provisions in the Gujarat Provincial Municipal Corporations Act, 1949, the Gujarat Municipalities Act, 1963 and the Gujarat Panchayats Act, 1993 for the purpose of making it obligatory on the voters to vote at an election as also for providing fifty per cent. reservation of seats for women in the local bodies vide the Gujarat Local Authorities Laws (Amendment) Act, 2009 (Guj. Act No. 21 of 2014). The said provisions so inserted *inter alia* provide for prescribing by rules the disadvantages or consequences to be suffered by a defaulter voter. In this context it was thought fit to disqualify a person to continue as a councillor or a member of the Corporation, the Municipality or the Panchayat, as the case may be, if he is declared as a defaulter voter and therefore necessary provisions to that effect had been incorporated in the above said three Acts.

Since as stated herein above fifty per cent. reservation of seats for women in the local bodies and compulsory voting in such bodies are to be implemented for the first time in the ensuing general elections of the local bodies slated to be held in October/November, 2015 and also that the process of delimitation is required to be undertaken in those local bodies in view of the Census-2011, it was felt that the elections for filling up the casual vacancies either in any Corporation or the Municipality, as the case may be, should be held, if could not be filled so far, along with the general elections even if such vacancies were required to be filled up sometime before such general elections are held. For the same reasons, it was also felt necessary to hold the elections if, could not be held within the statutory time limit of six months for reconstituting the Municipalities as provided under section 266B of the Gujarat Municipalities Act, 1963 as also the election if, could not be held within the statutory time limit of six months as required to be held under sub-clause (i) of clause (a) of sub-section (1) of section 266 for the local areas which have been added to the different Municipal Boroughs, along with the general elections slated to be held in October/November, 2015. It was, therefore, considered necessary to amend certain provisions of the Gujarat Provincial Municipal Corporations Act, 1949 and the Gujarat Municipalities Act, 1963 to achieve the aforesaid objects.

Section 456 of the Gujarat Provincial Municipal Corporations Act, 1949, *inter alia* provides for the powers of the State Government to make rules for carrying out the purposes of the said Act, subject to the condition of previous publication of the rules in question. However, the said section also provides that the State Government can, for sufficient reasons dispense with the requirement of such previous publication. However, as is the case under the provisions of the Gujarat Provincial Municipal Corporations Act, 1949, there was no provision either in the Gujarat Municipalities Act, 1963, or the Gujarat Panchayats Act, 1993, for dispensing with the previous publication of the rules for sufficient reasons or where the State Government is required to take

immediate actions. It was, therefore, considered necessary to have similar provisions in all the Local Authorities Acts, so that there may be a parity in all such Acts, in so far as dispensing with the publication of the rules is concerned. Therefore, the provisions of section 277 and section 274 of the Gujarat Municipalities Act, 1963, and the Gujarat Panchayats Act, 1993 respectively were suitably amended.

Since the State Government had taken a decision to implement the provisions with regard to the compulsory voting as also fifty per cent. reservation of seats for women in local bodies, the elections of which are stated to be held in October-November, 2015, certain suitable amendments in the existing provisions of the aforesaid Acts were also required to be carried out imminently.

As the Legislative Assembly of the State of Gujarat was not in session at that time, the Gujarat Local Authorities Laws (Amendment) Ordinance, 2015 was promulgated on 24th July, 2015 to amend the aforesaid three Acts to achieve the aforesaid objects. This Bill seeks to replace the said Ordinance by an Act of the State Legislature.

Dated the 17th August, 2015.

NITIN PATEL.

By order and in the name of the Governor of Gujarat,

Gandhinagar,
Dated the 19th August, 2015.

C. J. GOTH,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY
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Separate paging is given to this part in order that it may be filed as a Separate Compilation.

PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE BHAKTA KAVI NARSINH MEHTA UNIVERSITY

BILL, 2015.

GUJARAT BILL NO. 24 OF 2015.

A BILL

to establish and incorporate a teaching and affiliating University at Junagadh, in the State of Gujarat to be known as the Bhakta Kavi Narsinh Mehta University.

It is hereby enacted in the Sixty-sixth Year of the Republic of India as follows:-

CHAPTER I PRELIMINARY

1. (1) This Act may be called the Bhakta Kavi Narsinh Mehta University Act, 2015.

Short title
and
commencement.

(2) This section shall come into force at once and the remaining provisions shall come into force on such date as the State Government

may, by notification in the *Official Gazette*, appoint; and different dates may be appointed for different provisions.

Definitions.

2. In this Act, unless the context otherwise requires,-

(1) "affiliated college" means a college affiliated to the University under section 40;

(2) "Board" means the Board of Governors constituted under section 21;

(3) "college" means an educational institution or an affiliated college teaching any of the courses leading to a degree or a diploma;

(4) "Dean" means the Dean of the University appointed under section 15;

(5) "Hostel" means a unit of residence for the students of the University or colleges or institutions maintained or recognised by the University under this Act;

(6) "Principal" means the head of a college and includes in-charge principal;

(7) "recognised institution" means an institution for research or specialised studies, other than an affiliated college, recognised as such under section 43;

(8) "registered graduate" means a graduate registered under the provisions of this Act;

(9) "self-financed course" means the course conducted by the University, college or self-financed institute as recognised by the University;

(10) "self-financed institution" means an institution functioning on self-financed basis, which has obtained the previous sanction for the same of the State Government and is admitted to the privileges of the University subject to the conditions laid down in that regard by the University and which is affiliated to the University;

(11) "Statutes", "Ordinances", "Regulations" and "Rules" means respectively the Statutes, Ordinances, Regulations and Rules made under this Act and for the time being in force;

(12) "teacher" means a Principal, Professor, Associate Professor, Assistant Professor, or such other person imparting instruction or supervising research in any of the affiliated colleges or recognised institution and whose appointment has been approved by the University and includes such person appointed on contractual basis or temporary basis or on ad-hoc basis or on need base or otherwise, Visiting Teachers, Emeritus Professors, Consultants, Scholars, Mentors and Advisors;

(13) "University" means the "Bhakta Kavi Narsinh Mehta University" constituted under section 3;

(14) "University area" means the areas specified in the Schedule appended to this Act;

(15) "University centre" means a centre where post-graduate studies is imparted and maintained by the University;

(16) "University college" means a college which the University may establish or maintain or administer under this Act or a college transferred to the University and maintained by it;

(17) "University department" means any post-graduate or research institute or department designated or recognised as such and maintained by the University.

CHAPTER II UNIVERSITY

3. (1) There shall be established and constituted a University to be known as the "Bhakta Kavi Narsinh Mehta University".

Establishment
and
incorporation
of University.

(2) The Vice-Chancellor, the Pro-Vice-Chancellor and members of the Board of Governors, the Executive Council, the Academic Council, the Finance Committee, and the Building and Estate Committee of the University; and all persons who may hereafter become such officers, members, or authority, so long as they continue to hold such office or membership, shall constitute a body corporate by the name of the "Bhakta Kavi Narsinh Mehta University".

(3) The University shall have a perpetual succession and a common seal, and may sue and be sued by the said name.

(4) The University shall be competent, to acquire and hold property, both movable and immovable, to lease, sell or otherwise transfer any movable or immovable property which may vest in or be acquired by it for the purposes of the University, to raise loans on the securities of its assets and to contract and do all other things necessary for the purposes of this Act:

Provided that no such sale, lease or transfer of such property shall be made or the power to raise any such loan shall be exercised without the prior sanction of the State Government.

4. The headquarters of the University shall be at Junagadh, District: Junagadh, Gujarat.

Headquarters
of University.

5. The objects of the University shall be to develop the knowledge of different branches of Higher, Technical and Professional learning and research in relation to the different domains and their applications. The prime objects of the University shall be to create centers and institutes of

Objects
of
University.

excellence in the aforesaid areas in particular and other objects shall be as follows, namely:-

- (1) to disseminate, create and preserve knowledge and understanding by teaching, research and training;
- (2) to develop different patterns of teaching for a certificate or diploma courses, under graduate and post-graduate courses and at doctoral level and to maintain a high standard of education and its applications;
- (3) to develop training facilities and to make arrangement for training in higher education, professional education and other fields, to provide for inter-relationship for national and international participation in the fields of science, technology, humanities, commerce, management, law, physiotherapy, medicine, paramedical, forestry, marine sciences, environmental sciences, and other fields;
- (4) to establish close linkage with the industry to make teaching, research and training at the University, relevant to the needs of the society, at the national and global level;
- (5) to introduce and nurture innovations in the existing education system through CBCS and interdisciplinary, skill based approach so as to reflect India's spiritual knowledge, robust intellectual and inexhaustible creativity;
- (6) to study and derive lessons from the ongoing latest experiments of education that are taking place in the State of Gujarat as also elsewhere and to foster all the valuable innovative work and promote the same for larger expansion and utilization;
- (7) to establish Centre of Excellence or independent research centre(s).

Powers and
functions
of
University.

6. Subject to such conditions as may be prescribed by or under the provisions of this Act, the University shall have the following powers and functions, namely:-

- (1) to provide for the instruction, teaching and training in such branches of learning and courses of study as it may think fit, and to make provision for research, advancement and dissemination of knowledge;
- (2) to make such provision as would enable affiliated colleges and recognised institutions to undertake specialisation of studies;
- (3) to organize common laboratories, libraries and other equipments for teaching and research;
- (4) to establish, take over, maintain and manage college, department, centres and institutes of research or specialised studies;

- (5) to institute Professorships, Associate Professorships or Assistant Professorships and other posts of teachers required by the University;
- (6) to appoint or recognise persons as Professors, Associate Professors, or Assistant Professors or otherwise as teachers of the University;
- (7) to lay down the courses of instruction including inter-disciplinary studies for various examinations;
- (8) to guide teaching and research work in colleges, University departments, or recognised institutions;
- (9) to institute degrees, diplomas, certificates and other academic distinctions;
- (10) to hold examinations and to confer degrees, diplomas and other academic distinction on persons who -
 - (a) have pursued course of study in the University or in an affiliated college unless exempted therefrom, in the manner prescribed by the Statutes, Ordinances, Regulations or Rules and have passed the examinations prescribed by the University, or
 - (b) have carried on research as per the conditions prescribed by the Ordinances, Regulation or Rules;
- (11) to confer honorary degrees or other academic distinctions in the manner laid down by the Statutes;
- (12) to grant such diplomas and to provide for such lectures, instruction and training for persons who are not enrolled students of the University, as may be prescribed by the Statutes, Ordinances, Regulations or Rules;
- (13) to admit educational institutions to the privileges of the University and to withdraw such privileges;
- (14) to inspect colleges and recognised institutions and to take measures to ensure that proper standards of instruction, teaching and training are maintained and adequate library, laboratory and facilities for skill formation and enhancement are made therein;
- (15) to control and co-ordinate the activities of affiliated colleges, institutions and recognised institutions and to regulate the fees to be paid by the students in such colleges and recognised institutions;
- (16) to institute and award fellowships, travelling fellowships, scholarships, bursaries, studentships, exhibitions, medals, and prizes;

- (17) to make special provisions for the spread of University education among classes and communities which are educationally backward;
- (18) to make special provisions for disseminating knowledge and promoting arts and culture;
- (19) to fix, demand and receive or recover such fees and other charges as may be prescribed by the Ordinances;
- (20) to establish, maintain and manage hostels by the University, and to recognise such hostels which are not maintained by the University. Such hostels may be inspected by the University and recognition may be withdrawn, if University deems it fit and proper;
- (21) to supervise, regulate and control the conduct and discipline of the students of the University, the affiliated colleges and the recognised institutions to make arrangements for promoting their health and general welfare;
- (22) to institute and manage-
 - (a) Printing and Publication Department;
 - (b) University Extension Boards;
 - (c) Information Bureau; and
 - (d) Employment Bureau;
- (23) to make provisions-
 - (a) for Physical Education, National Social Service, Chief Minister Shramdan Yojana, National Cadet Corps, etc.;
 - (b) for sports and athletic activities;
 - (c) for compliance of other academic, extra-curricular and co-curricular activities;
 - (d) to make necessary arrangements for obtaining accreditation from the National Assessment and Accreditation Council (NAAC), Academic and Administrative Audit (AAA), National Board of Assessment (NBA) or any other statutory accreditation agency constituted by the Central or the State Government, as the case may be;
 - (e) to comply with the directives/instructions of the State Government to the affiliated colleges and recognised institutions and the University from time to time;
- (24) to co-operate with other Universities and authorities in such manner and for such purposes as the University may determine;

- (25) to promote the development of the study of Gujarati and Hindi (in Devnagari script) and the use of Gujarati and Hindi (in Devnagari Script) or both or English as a medium of instruction in education and examination;
- (26) to make arrangements for training for competitive examinations for recruitment to the services under the Union and the State Government;
- (27) to accept, hold and manage any endowments, donations or funds which vest in it for the purposes of the University by grant, testamentary disposition or otherwise, and to invest such endowments, donations or funds in accordance with the provisions of this Act:

Provided that no donation from a foreign country, foreign foundation or any person in such country, foundation shall be accepted by the University save with the approval of the Central Government or the State Government, as the case may be;

- (28) to borrow money from the Central Government, any State Government or from any individual, association or body corporate:

Provided that power to borrow moneys shall be exercised after obtaining previous approval of the State Government;

- (29) to do all such acts and things whether incidental to the powers and functions as, aforesaid or not, as may be required in furtherance of the objects of the University and generally to cultivate and promote Arts, Science and other branches of learning and culture.

7. (1) No educational institution within the University area shall, save with the sanction of the State Government and the University, be associated in any way with, or seek admission to any privileges of, any other University established by law.

**Jurisdiction
and
admission to
privileges.**

(2) Any such privileges enjoyed from the Saurashtra University before the date on which this Act comes into force, by any educational institution situate within the University area shall be deemed to be withdrawn with effect from such date.

Guj. 39 of
1965.

(3) With effect on and from such date, all educational institutions admitted to the privileges of the Saurashtra University and situated within the University area shall be deemed to be admitted to the privileges of the University, and such institutions shall, on and from such date cease to be associated with and to enjoy the privileges of the Saurashtra University and the Saurashtra University Act, 1965 shall thereupon cease to apply to them. The University shall, as far as may be possible and consistent with this Act,

admit such institutions to all such privileges as they had of the Saurashtra University immediately before such date.

(4) Any educational institution, situated outside the University Area, but within the State of Gujarat, may be admitted to the privileges of the University subject to prior permission of the State Government and subject to such conditions and restrictions as the University may think fit and proper.

(5) The State Government may, by notification in the *Official Gazette*, direct that this Act shall cease to apply to any area included in the University area and on such date as may be specified in the notification; and on and from the said date all the educational institutions situate within the said area shall cease to be associated with and to enjoy the privileges of the University.

University
open to all
irrespective of
sex, religion
class, creed or
opinion.

8. (1) No person shall be excluded from any office of the University or from membership of any of its authorities or from admission to any degree, diploma or other academic distinction or courses of study on the sole ground of sex, race, creed, caste, class, place of birth, religious belief or political or other opinion:

Provided that the University may, subject to the previous sanction of the State Government, maintain, affiliate or recognise any college or institution exclusively for women, or reserved for women or for socially and educationally backward classes of citizens or for members of the Scheduled Castes or Scheduled Tribes, seats for the purposes of admission as students in any institution maintained by the University.

(2) It shall not be lawful for the University to impose on any person any test whatsoever relating to sex, race, creed, caste, class, place of birth, religious belief or profession or political or other opinion in order to entitle him to be admitted as a teacher or a student or to hold any office or post in the University or to qualify for any degree, diploma or other academic distinction or to enjoy or exercise any privileges of the University or benefaction thereof.

Power of State
Government to
give directions,
order assessment,
and order inquiry.

9. (1) The State Government shall have power to issue directions from time to time as may be required for compliance of any of the provisions made by or under this Act.

(2) If the State Government has convincing grounds to believe that the teaching standards, examinations, research or administration has deteriorated substantially and is not of acceptable level, it may cause an assessment of the same by a committee of independent professional experts

in the area. The State Government shall communicate the finding of the committee and direct the University to take corrective measures as per the recommendations in the best interest of the academic work and standards. If the University is in gross violations of certain accepted academic standards of educational institutions, the State Government shall give directions for compliance within reasonable time.

(3) If the State Government has serious grounds or *prima facie* case to believe that the University has contravened any of the vital provisions of this Act, Statutes, Regulations or there is a situation of financial mismanagement or gross mal-administration in the University management, the State Government shall issue a notice directing to give reply within forty-five days as to why an inquiry should not be ordered. If the reply of the University to the notice is not satisfactory, the State Government may order an inquiry.

V of 1908. (4) The inquiry officer or the committee as such appointed by the State Government shall have the same powers as vested in a Civil Court under the Code of Civil Procedure, 1908 in the matters such as summoning persons for evidence, and production of documents and record from any office, etc.

(5) The report of the inquiry shall also be given to the University to present its case before the State Government. However, on consideration of the presentation of the University and the corrective steps proposed by it, still if the State Government is of the opinion that continuation of the existing University administration will gravely harm to the interests of the students, staff and the objectives of the University, or there is a gross financial mismanagement and serious mal-administration, the State Government may take appropriate steps as it may deem fit and proper.

CHAPTER III OFFICERS OF UNIVERSITY

10. The following shall be the officers of the University, namely:-

- (i) the Vice-Chancellor;
- (ii) the Pro-Vice-Chancellor;
- (iii) the Deans of Faculties;
- (iv) the Registrar;
- (v) the Law Officer;
- (vi) the Finance and Accounts Officer;
- (vii) the Controller of Examinations;
- (viii) such other officers in the service of the University as may be declared by the Statutes to be the officers of the University.

Officers of
University.

11. No person shall be appointed, nominated or, as the case may be, co-opted,-

Eligibility of age
limit in various
authorities and
offices.

- (i) as an officer referred to in clauses (iii), (iv), (v), (vi), (vii), and (viii) of section 10;
 - (ii) on the post of teacher; or
 - (iii) as a member of any of the authorities of the University, any committee or any other board or body thereof, .
- after he attains the age of 62 years:

Provided that nothing in this section shall apply to the Chairperson or a member of any of the authorities of the University committee or any other board or body thereof, who is the Chairperson or member by virtue of his office as the Vice-Chancellor or the Pro-vice Chancellor:

Provided further that nothing in this section shall apply to the visiting teachers, Emeritus Professors, Consultants, Scholars, Mentors or Advisors.

**Vice-
Chancellor.**

12. (1) The Vice-Chancellor shall be appointed by the State Government.

(2) To be eligible for being appointed as the Vice-Chancellor, a person shall be,-

- (i) an eminent academician having Ph. D. Degree with a minimum of ten years of experience as a professor, or;
- (ii) a distinguished academician having Ph. D. Degree with a minimum of twelve years of academic/educational administrative experience in a University, reputed academic or administrative or research institute or organisation.

(3) The Vice-Chancellor shall be appointed by the State Government from among three persons recommended by a Search Committee constituted for the purpose under sub-section (4).

(4) For the purpose of sub-section (3), the State Government shall constitute a Search Committee which shall consist of the following members, namely:-

(i) two members (not being persons connected with the University or with any affiliated college, recognised institution or institution) out of whom one shall be a person nominated in the manner prescribed by the Statutes by the Executive Council and the Academic Council jointly; and the other shall be a person nominated in the manner prescribed by the Statutes by the Vice-Chancellors of all the State Universities established by law in the State of Gujarat;

(ii) one member, who is an eminent educationist and has contributed to the University education system, to be nominated by the State Government.

(5) The State Government shall designate one of the three members of the Committee as its Chairperson.

(6) The Committee so appointed shall, within maximum eight weeks and in such manner as may be prescribed by the Statutes, select three persons whom it considers fit for being appointed as the Vice-Chancellor and shall recommend to the State Government the names of the persons so selected together with such other particulars as may be prescribed by the Statutes.

(7) The Vice-Chancellor shall hold office for a term of three years and shall be eligible for being re-appointed to that office for one more term only:

Provided that no person appointed as the Vice-Chancellor shall continue to hold his office as such after he attains the age of seventy years.

(8) The emoluments to be paid to the Vice-Chancellor, and the terms and conditions subject to which he shall hold office, shall be such as may be determined by the State Government:

Provided that such emoluments and terms and conditions shall not, during the currency of the term of the holder of that office, be varied to his disadvantage without his consent.

(9) (a) During the leave or absence of the Vice-Chancellor or,

(b) in the event of a permanent vacancy in the office of the Vice-Chancellor, until an appointment is made under sub-section (1) to that office, the Pro-Vice-Chancellor or, in his absence, one of the Deans nominated by the State Government for that purpose shall carry on the current duties of the office of the Vice-Chancellor.

(10) The Vice-Chancellor may, by writing under his signature addressed to the State Government, after giving one month's notice, resign from his office and such resignation shall take effect from the date of acceptance of resignation by the State Government.

(11) The Vice-Chancellor may be removed from his office by the State Government, if it is satisfied that the incumbent,-

- (a) has become insane and stands so declared by a competent court;
- (b) has been convicted by a court for any offence involving moral turpitude;
- (c) has become an insolvent and stands so declared by a competent court;

- (d) has been physically unfit and incapable of discharging functions due to protracted illness or physical disability;
- (e) has wilfully omitted or refused to carry out the provisions of this Act or has committed breach of any of the terms and conditions of the service as determined by the State Government or has abused the powers vested in him or if the continuation of the Vice-Chancellor in the office is detrimental to the interest of the University:

Provided that the Vice-Chancellor shall not be removed from his office unless an opportunity of being heard is afforded to him.

**Powers of
Vice-
Chancellor.**

13. (1) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall preside at the meetings of the Board of Governors. He shall be an *ex-officio* Chairperson of the Executive Council, Academic Council, Finance Committee and Building and Estate Committee. He shall be entitled to be present with the right to speak, at any meeting of any other authority or body of the University, but shall not be entitled to vote thereat unless he is a member of that authority or body.

(2) The Vice-Chancellor shall have power to convene meetings of the Executive Council, the Academic Council and the Finance Committee and such other authorities of the University of which he is the Chairperson. He may delegate this power to any other officer of the University.

(3) It shall be the duty of the Vice-Chancellor to ensure that the provisions of the Act, the Statutes, Ordinances, Regulations and rules are faithfully observed and he shall have all the powers necessary for this purpose.

(4) (a) The Vice-Chancellor shall nominate members on any of the authorities as required under this Act.

(b) (i) All powers relating to the maintenance of discipline and disciplinary action in relation to the students of the University and the University as a whole shall vest in the Vice-Chancellor.

(ii) The Vice-Chancellor may delegate all or any of his power referred to in clause (i), as he deems proper, to the Pro-Vice-Chancellor and to such other officers as he may specify in this behalf.

(5) (a) In any emergency which, in the opinion of the Vice-Chancellor, requires that immediate action should be taken, he shall take such action as he deems necessary and shall at the earliest opportunity thereafter furnish information regarding action taken by him with the reasons he has considered as emergent, to such officer, authority

or body as would have in the ordinary course have dealt with the matter.

- (b) When action taken by the Vice-Chancellor under this sub-section affects any person in the service, such person shall be entitled to prefer an appeal to the Executive Council, within a period of thirty days from the date on which notice of such action is communicated to him.

(6) The Vice-Chancellor shall give effect to the orders of the Board and the Executive Council regarding appointment, dismissal, suspension and punishment of the persons in the service of the University or of the teachers of the University or regarding the recognition or withdrawal of the recognition of any such teacher and shall exercise general control over the affairs of the University.

(7) (a) Subject to the provisions contained in sub-section (4) and notwithstanding anything contained in sub-section (5), where the Vice-Chancellor after making such inquiry as he deems fit and is of opinion that the implementation of any order or a resolution of an authority specified in or declared under section 20, or the doing of anything which is about to be done or is being done by or on behalf of the University,-

- (i) is inconsistent with the provisions of this Act or of any Statute, Ordinance, Regulation or rule, or
- (ii) is not in the interest of the University, or
- (iii) is likely to lead to breach of peace, or
- (iv) is inconsistent with the guidelines, directives of the University Grants Commission, the State Government or Professional Regulatory bodies, as the case may be, he may forward a copy of the order or resolution or, as the case may be, refer the doing of the thing, with a statement of reasons, to the authority which made the order or passed the resolution or proposes to do the thing for reconsideration by that authority as to why the said order or resolution may not be rescinded or revised or modified in the manner stated by him or the doing of the thing be refrained from.

(b) Where the authority after reconsideration revises or modifies the order or resolution in the manner stated by the Vice-Chancellor, then notwithstanding anything contained in clause (a), such revised or modified order or resolution shall revive from the date of such revision or modification.

(c) Where the authority revises or modifies the order or resolution in such manner as is inconsistent with the manner stated by the Vice-Chancellor, he shall refer the matter to the State Government for its decision.

(d) The State Government may, on such reference being made, revise or modify the order or resolution or direct that the order or resolution shall continue to be in force with or without modification permanently or for such period as it may specify:

Provided that the order or resolution shall not be revised or modified or continued by the State Government without giving the concerned authority a reasonable opportunity of showing the cause against such order or resolution.

(e) The order, resolution or, as the case may be, the doing of thing, shall remain in abeyance from the date of the action of the Vice-Chancellor of forwarding the copy of order or resolution or of making reference under clause (a) till the date of the order of the State Government under clause (d).

(f) In case where the authority modifies or revises its order or resolution under clause (b) or where the State Government revises or modifies the order or resolution under clause (d), any action, if taken prior to forwarding a copy of the order or resolution or making a reference with regard to doing of the thing by the Vice-Chancellor under clause (a), to the concerned Authority, shall be treated as *ab-initio* void.

(8) The Vice-Chancellor shall exercise such other powers and perform such other functions as may be prescribed by the Statutes, Ordinances or Regulations.

Pro-Vice-Chancellor. 14. (1) The Pro-Vice-Chancellor shall be appointed by the State Government from the panel of three persons recommended by the Vice-Chancellor.

(2) No person appointed as the Pro-Vice-Chancellor shall continue to hold his office as such after he attains the age of sixty-five years.

(3) The term of the office of the Pro-Vice-Chancellor shall be three years.

(4) The Pro-Vice-Chancellor shall be a whole-time salaried officer of the University and his emoluments and terms and conditions of service shall be such as may be determined by the State Government:

Provided that the emoluments and terms and conditions of service of the holder of such office shall not during currency of the term of the holding of that office, be varied to his disadvantage without his consent.

(5) The Pro-Vice-Chancellor shall be the principal inspecting officer of the University and shall exercise such powers and perform such duties, which are specially or generally conferred or imposed on him by the Vice-Chancellor and as prescribed by the relevant Statutes.

(6) The Pro-Vice-Chancellor shall, in the absence of the Vice-Chancellor or in the event of being unable to perform the duties of his office, exercise all the rights and powers, and discharge all the functions and duties of the Vice-Chancellor.

(7) The Pro Vice-Chancellor shall preside,-

- (a) in absence of the Vice-Chancellor, at the meetings of the Board; and
- (b) in absence of the Vice-Chancellor at the meetings of any other authority of the University or a committee thereof.

(8) The Pro-Vice-Chancellor may, by writing under his signature addressed to the State Government, after giving one month's notice, resign from his office and such resignation shall take effect from the date of the acceptance of resignation by the State Government.

15. (1) There shall be a Dean of each faculty who shall be elected from amongst the concerned faculty members of the University in the manner as may be prescribed by the relevant Statutes. Dean of Faculty.

(2) The Dean shall assist the Vice-Chancellor and the Pro-Vice-Chancellor in managing the academic and other allied affairs of the University as entrusted to him by the Vice-Chancellor.

(3) The Dean shall hold office for a term of three years.

(4) The Dean shall be the principal executive authority of the Faculty and shall exercise the following powers and perform the following functions, namely:-

- (i) he shall be the Chairperson of the Faculty concerned and shall preside at its meetings of the Faculty;
- (ii) he shall attend the meeting of any Board of Studies in the Faculty;
- (iii) he shall supervise and co-ordinate the work of the different Boards of Studies under the Faculty;
- (iv) he shall plan and organise seminars, refresher courses, and work-shops, pertaining to the subjects under the Faculty;
- (v) he shall inspect and guide the University Departments, affiliated colleges, recognised institutions and institutions in respect of subjects under the Faculty;

- (vi) he shall be responsible for the due observance of the Statutes, Ordinances and Regulations relating to the Faculty;
- (vii) he shall recommend to the Executive Council for approval of the proposals for the programmes of visiting teachers and for the exchange of teachers;
- (viii) he shall exercise such other powers and perform such other functions as may be prescribed under the relevant Statutes.

Registrar. 16. The Registrar shall be a whole time salaried officer of the University and shall act as the Secretary of the Board, the Executive Council and the Academic Council. He shall be appointed by the University with the prior approval of the State Government and his emoluments and terms and conditions of service shall be determined by the Statutes. He shall be responsible for the due custody of records, the common seal and such other properties and assets of the University as the Executive Council shall commit to his charge. He shall exercise such other powers and perform such other duties as may be prescribed by the Statutes or the Ordinances.

Law Officer. 17. (1) The Law Officer shall be appointed by the University. He shall be in-charge in respect of all the legal matters for and against the University.

(2) The qualifications, experience, powers, functions and duties of the Law Officer shall be such as may be prescribed by the Statutes.

Finance and Accounts Officer. 18. (1) The Finance and Accounts Officer shall be appointed by the State Government on deputation. He shall exercise such powers and perform such duties as may be prescribed by the Statutes.

(2) The qualifications, terms and conditions of service and the tenure of the Finance and Accounts Officer shall be such as may be determined by the State Government.

(3) When the office of the Finance and Accounts Officer is vacant or when the Finance and Accounts Officer is, by reasons of illness, absence or any other cause, unable to perform the duties of his office, the same shall be performed by such other officer as the Vice-Chancellor may appoint for the purpose.

(4) The Finance and Accounts Officer shall,-

(i) exercise general supervision over the funds of the University and shall advise as regards its financial policy; and

(ii) perform such other financial functions as may be prescribed by the Statutes; and also has assigned by the Vice-Chancellor.

19. (1) The Controller of Examinations shall be a whole time salaried officer of the University. He shall be appointed by the University with the prior approval of the State Government.

Controller of Examinations.

(2) The qualifications, terms and conditions of service and the tenure of the Controller of Examination shall be such as may be prescribed by the Statutes.

CHAPTER IV AUTHORITIES OF UNIVERSITY

20. The following shall be the authorities of the University, namely :-

Authorities of University.

- (i) the Board of Governors;
- (ii) the Executive Council;
- (iii) the Academic Council;
- (iv) the Finance Committee;
- (v) the Buildings and Estate Committee;
- (vi) the Faculties;
- (vii) the Board of University Teaching and Research;
- (viii) the Boards of Studies;
- (ix) such other boards and bodies of the University as may be declared by the Statutes, to be the authorities of the University.

21. (1) The Board of Governors shall consist of the following members, namely:-

Board of Governors.

I. Ex-Officio Members

- (i) the Vice-Chancellor, *ex-officio* Chairperson;
- (ii) the Pro-Vice-Chancellor, *ex-officio* Vice-Chairperson;
- (iii) the Secretary to the Government of Gujarat, Education Department or his nominee not below the rank of Deputy Secretary;
- (iv) the Secretary to the Government of Gujarat, Finance Department or his nominee not below the rank of Deputy Secretary;
- (v) the Secretary to the Government of Gujarat, Health and Family Welfare Department or his nominee not below the rank of Deputy Secretary;
- (vi) the Secretary to the Government of Gujarat, Legislative and Parliamentary Affairs Department or his nominee not below the rank of Deputy Secretary;
- (vii) the Commissioner of Higher Education, Gujarat State, or his nominee not below the rank of Joint Director;
- (viii) the Commissioner of Technical Education, Gujarat State, or his nominee not below the rank of Joint Director;
- (ix) the Commissioner of Health and Medical Services, and Medical Education, Gujarat State, or his nominee not below the rank of Joint Director.

II. Ordinary Members

- (i) three Head of the Departments, to be nominated by the Vice-Chancellor taking into consideration the overall seniority and by rotation;
- (ii) two Principals of affiliated colleges of each District, to be nominated by the Vice-Chancellor taking into consideration the overall seniority and by rotation;
- (iii) one University teacher, to be nominated by the Vice-Chancellor from amongst themselves taking into consideration the overall seniority and by rotation;
- (iv) four teachers of the affiliated colleges, to be nominated by the Vice-Chancellor taking into consideration the overall seniority and by rotation;
- (v) five registered graduates from Faculties of Arts, Science, Commerce, Professional and all others, one from each faculty in the manner as prescribed by the Statutes, to be nominated by the Vice-Chancellor for the term of one year;
- (vi) one member of any municipal corporation, to be nominated by the State Government from the University area;
- (vii) one member of any municipality, to be nominated by the State Government from the University area;
- (viii) one member of any District Panchayat, to be nominated by the State Government from the University area;
- (ix) three members of the State Legislative Assembly, to be nominated by the State Government from the University area;
- (x) four distinguished persons, to be nominated by the State Government from amongst the educationists, social workers, representatives of backward communities, women and such other classes of persons;
- (xi) one donor, to be nominated by the State Government.

(2) At least thirty-three per cent. of the members, to be nominated under the category of the ordinary members shall be women.

(3) The term of members, other than *ex-officio* members shall be three years, except for the members under registered graduates category.

Meetings of
Board of
Governors.

22. (1) The Board shall meet on such date as may be fixed by the Vice-Chancellor, once in a year at a meeting to be called the annual general meeting of the Board.

(2) The Vice-Chancellor may, whenever, and shall, upon a requisition in writing by not less than one-third of the total members of the Board convene a special meeting of the Board of Governors.

(3) The Board shall meet at least two times during a calendar year generally.

(4) The quorum shall not be less than one-third of the total number of members of the Board (any fraction contained in that one-third being rounded of as one).

(5) A written notice of every meeting together with agenda shall be circulated by the Registrar, to the members of the Board at least not less than fifteen clear days invariably before the date of the meeting. The Vice-Chancellor may permit inclusion of any item for which due notice could not be given in the meeting.

(6) The Chairperson, if present shall preside over the meetings of the Board and in his absence, the Pro-Vice-Chancellor shall preside at the meeting.

(7) The ruling of the Chairperson on about any question of procedure shall be final.

(8) In case of difference of opinion amongst the members, the opinion of the Vice-Chancellor shall prevail.

(9) Each member of the Board, including the Chairperson shall have one vote and if there is a tie, viz. a deadlock, equality of votes on any question to be determined by the Board, the Chairperson of the Board shall have a casting vote.

(10) The minutes of the proceedings of a meeting of the Board shall be drawn up by the Registrar with the approval of the Chairperson of the Board and circulated invariably within twenty days to all the members of the Board. The minutes, along with amendments, if any suggested, shall be placed for confirmation at the next meeting of the Board. After the minutes are confirmed and signed by the Chairperson of the Board, they shall be recorded in the minute book which shall be kept open for inspection by the members of the Board.

23. Subjects to the other provisions of this Act, the Board shall exercise the following powers and perform the following duties, namely:-

Powers
and duties of
Board of
Governors.

- (i) to take policy decisions regarding planning, development, management and other related matters for good governance of the University and to issue directions for proper implementation of the same;
- (ii) to institute Professorships, Associate Professorships, Assistant Professorships and other posts of teachers as may be required by the University;
- (iii) to make, amend or repeal the Statutes;
- (iv) to consider any proposal or issue raised by the Chairperson;
- (v) to approve, cancel or refer back the Ordinances to the Executive Council but shall not amend the same;

- (vi) to consider and pass resolutions on the annual reports, annual accounts and financial estimates;
- (vii) to consider the annual financial estimates prepared by the Executive Council and pass resolutions with reference thereto;
- (viii) to exercise such other powers and perform such other duties as may be conferred or imposed upon it by or under this Act and all such other powers for achieving the objects of the University.

Executive
Council.

24. (1) The Executive Council shall be the executive authority of the University and shall consist of the following members, namely:-

I. Ex-Officio Members

- (i) the Vice-Chancellor, *ex-officio* Chairperson;
- (ii) the Pro-Vice-Chancellor, *ex-officio* Vice-Chairperson;
- (iii) the Commissioner of Higher Education, Gujarat State or his nominee not below the rank of Joint Director;
- (iv) the Commissioner of Technical Education, Gujarat State or his nominee not below the rank of Joint Director;
- (v) the Commissioner of Health and Medical Services and Medical Education, Gujarat State or his nominee not below the rank of Joint Director.

II. Ordinary Members

- (i) three Heads of Departments, to be nominated by the Vice-Chancellor taking into consideration the overall seniority and by rotation;
 - (ii) four Principals of affiliated colleges, to be nominated by the Vice-Chancellor taking into consideration the overall seniority and by rotation;
 - (iii) two teachers, to be nominated from amongst University teachers, other than Heads of the Department, by the Vice-Chancellor taking into consideration the overall seniority and by rotation;
 - (iv) four teachers of affiliated colleges, to be nominated by the Vice-Chancellor taking into consideration the overall seniority and by rotation;
 - (v) four distinguished persons, to be nominated by the State Government from amongst the educationists, social workers, public administrators, representatives of backward communities, women and such other classes of persons.
- (2) At least thirty-three per cent. of the members, to be nominated under the category of the ordinary members shall be women.

Powers and
duties of
Executive
Council.

25. (1) Subject to such conditions as may be prescribed by or under this Act, the Executive Council shall exercise the following powers and perform the following duties, namely:-

- (i) to hold, control and administer the property and funds of the University;
- (ii) to enter into, vary, carry out and cancel contract on behalf of the University in the exercise or performance of the powers and duties assigned to it by this Act and the Statutes, in consultation with the Finance Committee, Buildings and Estate Committee or if there is a Legal Committee, with it;
- (iii) to determine the Form and provide for the custody and regulate the use of the common seal of the University;
- (iv) to administer funds placed at the disposal of the University for specific purposes;
- (v) to prepare the annual financial estimates of the University and to submit them to the Board;
- (vi) to sanction the transfer of any amount within the budget grant from one minor head to another or from subordinate head under the minor head to a subordinate head under another minor head;
- (vii) to sanction the transfer of any amount within a minor head from one subordinate head to another or from one primary unit to another;
- (viii) to make provisions for buildings, premises, furniture, apparatus and other means needed for carrying on the work of the University;
- (ix) to accept on behalf of the University, bequests, donations and transfer of any movable or immovable property to the University;
- (x) to transfer any movable or immovable property on behalf of the University;
- (xi) to raise loans on the security of the assets of the University;
- (xii) to manage and regulate finances, accounts and investments of the University;
- (xiii) to institute and manage -
 - (a) Printing and publication Department,
 - (b) University Extension Boards,
 - (c) Information Bureau, and
 - (d) Employment Bureau;
- (xiv) to make provisions for Physical Education, National Social Service, National Cadet Corps, Chief Minister Shramdan Yojana;
- (xv) to manage colleges, University Departments, institution of research or specialised studies, laboratories, libraries and hostel maintained by the University;
- (xvi) to arrange for, and direct, the inspection of affiliated colleges, recognised institution, and hostels and to issue instructions for maintaining their efficiency and/or ensuring proper conditions of employment for members of their staff, and in case of disregard of such instructions, to modify the conditions of their affiliation or recognition or take such other steps as it deems proper;

- (xvii) to call for reports, returns and other information from colleges, recognised institution or hostels;
- (xviii) to supervise and control the residence, conduct and discipline of the students of the affiliated colleges, University Departments, recognised institutions and to make arrangements for promoting their health and general welfare;
- (xix) to recommend to the Board, for conferment of honorary degrees and academic distinction in the manner prescribed by the Statutes;
- (xx) to award fellowships, travelling fellowships, studentships, exhibitions, medals and prizes;
- (xxi) to make recommendations for appointments of teachers and employees of the University, to fix their emoluments and define their duties and terms and conditions of their services including disciplinary matters, to the State Government, after consultation with the Board;
- (xxii) to recognise a member of the staff of an affiliated college or recognised institution or institution as a Professor, Associate Professor and Assistant Professor or teacher of the University and withdrawal of such recognition;
- (xxiii) to fix remuneration of examiners and to arrange for conduct and for publishing the result of the University examinations and other tests;
- (xxiv) to fix, demand and receive such fees and other charges as may be prescribed by the Ordinances;
- (xxv) to make, amend and cancel the Ordinances ;
- (xxvi) to exercise such other powers and perform such other duties as may be conferred by the Board or imposed upon by or under this Act;
- (xxvii) to exercise all the powers of the University not provided for in this Act or the Statutes and all other powers which are requisite to give effect to the provisions of this Act or the Statutes.

(2) The Executive Council shall make a report to the Board about all acceptances of property and matters referred to in clauses (ix), (x) and (xi) of sub-section (1).

(3) The Executive Council shall not transfer any immovable property without the previous sanction of the Board and the State Government.

(4) The exercise of the powers by the Executive Council under clause (xxi) of sub-section (1), in so far as they relate to the laying down and regulating salary scales and allowances of officers (other than the Vice-Chancellor and the Pro-Vice-Chancellor) and members of the teaching, other academic and non-teaching staff of the University, affiliated colleges and recognised institutions shall be subject to the approval of the State Government.

(5) The Executive Council may by Ordinances appoint committee or committees to carry out its administrative work and define its constitution, functions and tenure.

26. (1) The Academic Council shall be the academic body of the University and shall consist of the following members, namely:-

Academic Council.

- (i) the Vice-Chancellor, *ex-officio* Chairperson;
- (ii) the Pro-Vice-Chancellor;
- (iii) the Deans of Faculties;
- (iv) not more than six faculties, excluding the Deans of Faculties to be nominated by the Vice-Chancellor.

(2) The term of office of the members of the Academic Council other than the *ex-officio* members shall be three years:

Provided that a member specified in clauses (iii) and (iv) of subsection (1) shall cease to hold his office as such member, if he ceases to be a Dean of a Faculty or, as the case may be, a member of the respective Faculty.

27. (1) The Academic Council shall have the control and general regulation of, and be responsible for, the maintenance of the standards of teaching and examinations of the University. The decisions of Academic Council in so far as the academic matters are concerned, shall be final and be implemented forthwith.

Powers and duties of Academic Council.

(2) Without prejudice to the generality of the foregoing provision and subject to such conditions as may be prescribed by or under the provisions of this Act, the Academic Council shall exercise the following powers and perform the following duties, namely:-

- (i) to approve Regulations made by the Faculty concerned laying down courses of studies;
- (ii) to approve Regulations made by the Faculty concerned, regarding the special courses of studies;
- (iii) to arrange for co-ordination of studies and teaching in affiliated colleges and recognised institutions;
- (iv) to promote research within the University;
- (v) to approve proposals for allocating subjects to Faculties;
- (vi) to make proposals to the Board for the establishment of University Departments, institutes of research and specialised studies, libraries and laboratories as well as centres for skill development and enhancement;
- (vii) to approve and recommend to the Executive Council proposals for the institution of Professorships, Associate Professorships, Assistant Professorships and any other posts of teachers as may be required by the University and for prescribing the duties and fixing the emolument of such posts;

- (viii) to approve and recommend to the Board, the proposals for the institution of fellowships, travelling fellowships, scholarships, bursaries, studentships, exhibitions, medals and prizes;
- (ix) to approve regulations regarding the examinations of the University and the conditions on which students shall be admitted to such examinations;
- (x) to make and approve Regulations prescribing the equivalence of examinations;
- (xi) to approve regulations prescribing the manner for granting exemption from courses of studies in the University or in affiliated colleges for qualifying for degrees, diplomas and other academic distinctions;
- (xii) to grant inter-disciplinary courses and take all measures to improve Choice Based Credit System (CBCS);
- (xiii) generally, to advise the University on all academic matters;
- (xiv) to exercise such other powers and perform such other duties as may be conferred or, imposed on it by and under this Act.

**Finance
Committee.**

28. (1) The Finance Committee shall consist of the following members, namely:-

- (i) the Vice-Chancellor, *ex-officio* Chairperson;
- (ii) the Pro-Vice-Chancellor, *ex-officio* Vice-Chairperson;
- (iii) the Secretary to the Government of Gujarat, Finance Department, *ex-officio* or his nominee not below the rank of Deputy Secretary;
- (iv) one member of the Board, to be nominated by the Board;
- (v) one expert in the field of finance, to be nominated by the Board.

(2) The Finance and Accounts Officer shall be the Secretary of the Finance Committee.

(3) The term of office of the members other than the *ex-officio* members shall be three years.

(4) A nominated member may resign from his office by writing under his hand addressed to the Vice-Chancellor and the resignation shall take effect from the date it is accepted by the Vice-Chancellor.

**Powers and
duties of
Finance
Committee.**

29. Subject to the other provisions of this Act, the Finance Committee shall exercise the following powers and perform the following duties, namely:-

- (i) to examine the annual accounts and annual estimates of the University and to advise the Board thereon;
- (ii) to review from time to time the financial position of the University;
- (iii) to make recommendations to the Board on all financial policy matters of the University ;
- (iv) to make recommendations to the Board on all proposals involving raising of funds, receipts and expenditure;
- (v) to provide guidelines for investment of surplus funds;

- (vi) to make recommendations to the Board on proposals involving expenditure for which no provision has been made in the budget or for which expenditure in excess of the amount provided in the budget needs to be incurred;
- (vii) to examine proposals relating to the revision of pay-scales, up gradation of the scales and those items which are not included in the budget, and to place the same before the Board;
- (viii) to open accounts in any Scheduled Bank, operate such accounts and to issue instructions to the bank for the operation of such accounts;
- (ix) to operate the University Fund;
- (x) to grant tenders, contracts and other expenditure, projects, and recommend to the Executive Council for final approval; and
- (xi) to exercise such other powers and perform such other duties as may be conferred or imposed upon it by the Regulations.

30. (1) The Buildings and Estate Committee shall consist of the following members, namely:-

Buildings and
Estate
Committee.

- (i) the Vice-Chancellor, *ex-officio* Chairperson;
- (ii) the Pro-Vice-Chancellor;
- (iii) the Secretary to the Government of Gujarat, Education Department or his nominee not below the rank of Deputy Secretary;
- (iv) the Secretary to the Government of Gujarat, Roads and Buildings Department or his nominee not below the rank of Deputy Secretary;
- (v) one representative of the Institute of Engineers (India) Gujarat Centre, nominated by the Chairman of the said Institute, from amongst its members;
- (vi) one representative of the Institute of Architects (India) Gujarat Centre, nominated by the Chairman of the said Institute, from amongst its members.

(2) The University Engineer shall function as the Secretary of the Committee.

(3) The term of the nominated members of the Committee shall be three years.

(4) The Committee shall,-

- (a) be responsible for finalising the plans and estimates of the various building projects and for ensuring the completion of the buildings and for proper utilisation of the grants received from the University Grants Commission (UGC), the State Government or from any agency;

- (b) be responsible for the maintenance and upkeep of the University buildings;
- (c) assess the cost of repairs, additions, alteration and demolition of the University buildings annually and prepare the budget for the same to be submitted for approval of the Finance Committee and Executive Council;
- (d) exercise such powers, as delegated to it by the Executive Council.

(5) The Committee may constitute one or more sub-committees to oversee the work of any project.

Faculty. 31. (1) The University shall include the Faculties of Arts, Education, Sciences, Law, Medicine, Commerce and such other Faculties as may be prescribed by the Statutes.

(2) Each Faculty shall consist of,-

- (i) the Chairperson of the Boards of Studies for the subjects with which the Faculty is concerned; and
- (ii) not more than three members of the Board of Studies as are assigned to the Faculty by the Executive Council.

(3) A teacher in a subject included in more than one Faculties shall, within one month from the date on which he becomes a member of the Board of Studies, select by intimation in writing to the Registrar, any one of such Faculties to which he wishes to be assigned, if he intends to make such selection. The Executive Council shall assign to him any one of such Faculties and the selection or assignment so made shall be irrevocable for the entire term of membership.

(4) All Faculties shall be located at the headquarters of the University:

Provided that in respect of any of such Faculties, the State Government after consulting the University may, by notification in the *Official Gazette*, direct that the Faculty specified in the notification shall be located at such place outside the headquarters of University and thereupon the Faculty shall be located accordingly.

Powers and duties of Faculty.

32. (1) The Faculty shall have the general control and power of regulation of, and be responsible for, the maintenance of standards of teaching and duties of the examination of the University for the subjects assigned to the Faculty.

(2) Without prejudice to the generality of the foregoing provision and subject to such conditions as may be prescribed by or under the provisions

of this Act, the Faculty shall exercise the following powers and perform the following duties, namely:-

- (i) to make regulations in consultation with the concerned Board of Studies laying down courses of studies;
- (ii) to make regulations regarding the special courses of studies;
- (iii) to make regulations for the standards of passing the relevant examinations in the Faculty and for awarding classes at the examinations;
- (iv) to make proposals for promoting research within the University; and suggest measures to develop research in University, affiliated colleges and recognised institutions;
- (v) to make proposals for allocating subjects to the Faculty;
- (vi) to make proposals for the establishment of departments, institution of research and specialised studies, libraries, laboratories;
- (vii) to make proposals for the institution of Professorships, Associate Professorships and Assistant Professorships and any other post of teachers as may be required by the University and for prescribing the duties and fixing the emoluments of such posts;
- (viii) to make proposals for the institution of fellowships, travelling fellowships, scholarships, studentships, exhibitions, medals and prizes and other awards and to make regulations for their grant;
- (ix) to make regulations for the maximum workload of teacher, the minimum teaching work for every subject, minimum laboratory work, research library work, counseling, project work to be done by students for any subject;
- (x) to make regulations prescribing equivalence of examinations;
- (xi) to make regulations prescribing the manner for granting exemption from courses of studies in the University, affiliated colleges or recognised institutions for qualifying for degree, diploma and other distinctions;
- (xii) generally to advise the University on all academic matters pertaining to the concerned courses of studies;
- (xiii) to exercise such other powers and perform such other duties as may be conferred by or imposed upon it, by or under this Act.

33. (1) There shall be a Board of Studies for every subject or group of subjects as may be prescribed by the Statutes. **Board of Studies.**

(2) Subject to the provisions of sub-section (3), each Board of Studies shall consist of,-

- (i) not more than one Head of the University Department, if any, in the subject;

- (ii) not more than three Heads of the Departments, in the special subjects taught at degree level in the affiliated colleges and recognised institutions;
 - (iii) not more than three experts in the subject co-opted by the members of the Board of Studies, with the prior approval of the Vice-Chancellor.
- (3) Each Board of Studies shall not consist more than seven members. Where the number of members is less than seven, the Vice-Chancellor shall nominate such number of members as may be necessary to make up the deficiency, subject, however, to the condition that the total number of co-opted and nominated members shall not exceed seven.
- (4) The membership to the Board of Studies shall be assigned by seniority in the subject, by rotation, and for three years or maximum of two terms.
- (5) The Chairperson and members of the Board of Studies shall be nominated by the Vice-Chancellor.
- (6) The powers and duties of a Board of Studies shall be as follows, namely:-
- (i) to recommend courses of studies in the subject;
 - (ii) to recommend and prescribe where necessary, books for study in the subject;
 - (iii) to recommend programmes for extension services and research in the subject;
 - (iv) to recommend organisation of seminars, refresher courses and workshops to the concerned Dean of the Faculty;
 - (v) to recommend programmes for experiments and research in the courses of studies prescribed in the subject including skill based Education with Choice Based Credit System;
 - (vi) to recommend schemes for preparation and translation of books in the subject and suggest bibliography of books of study;
 - (vii) to frame and propose regulations pertaining to the course of studies and examinations in the subject;
 - (viii) to review periodically the terminology current in the subject; and
 - (ix) to exercise such other powers and perform such other duties as may be prescribed by the Statutes.
- (7) The Board of Studies shall meet at least twice during an academic term as may be determined by the Ordinances.

34. The constitution, powers and duties of other Boards and Bodies which may be declared to be the authorities of the University under section 20, shall be such as may be prescribed by the Statutes.

CHAPTER V

STATUTES, ORDINANCES AND REGULATIONS

35. Subject to such conditions as may be prescribed by or under the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:-

Statutes.

- (i) to confer degrees and conferment of honorary degrees and holding of convocation;
- (ii) powers and duties of the officers of the University;
- (iii) constitution, powers and duties of the authorities of the University save as provided in this Act;
- (iv) to institute and maintain the University departments, institutes of research or specialised studies, post-graduate centre in affiliated colleges and hostels;
- (v) acceptance and management of bequests, donations and endowments;
- (vi) registration of graduates and maintenance of a register of registered graduates;
- (vii) procedure at meetings of the authorities of the University and for the transaction of their business;
- (viii) qualifications of Professors, Associate Professors, Assistant Professors and teachers in affiliated colleges and recognised institutions;
- (ix) all matters which by this Act are to be or may be prescribed by the Statutes.

36. (1) The Statutes may be made by the Board or may be amended, repealed or added to by the Board in the manner hereinafter provided.

Making
amendments,
operation and
repeal of
Statutes.

(2) The Board may take into consideration the draft of a Statutes either of its own motion or on a proposal by the Executive Council.

(3) The Executive Council may propose to the Board draft of any Statutes to be passed by the Board.

(4) The draft of Statutes shall be considered by the Board at its next succeeding meeting. The Board may approve such draft and pass the Statutes or may reject it or return it to the Executive Council for reconsideration either in whole or in part together with any amendment which the Board may suggest. After any draft of Statutes so returned has been further considered by the Executive Council together with any amendment suggested by it, it shall be again presented to the Board with the report of the Executive Council thereon and the Board may then deal with the draft in the manner as it thinks fit and proper.

(5) Where a Statute affects the powers or duties, of an officer, authority or Board of the University-

- (i) the Executive Council shall, before proposing the draft of such Statutes, ascertain and consider the views of the concerned officer, authority or Board concerned; and
- (ii) the Board, before passing any such Statute taken into consideration of its own motion, shall ascertain and consider the views of the officer, authority or Board concerned and the opinion of the Executive Council.

(6) Where the Statutes seek to provide for academic matters, the Board shall, before passing such Statutes, consult the Academic Council.

(7) Every Statute passed by the Board shall be submitted to the State Government which may give or withhold approval thereto or refer it back to the Board for its reconsideration.

(8) No Statute passed by the Board shall have validity until approved by the State Government.

Ordinances.

37. Subject to such conditions as may be prescribed by or under the provisions of this Act, the Executive Council may make Ordinances to provide for all or any of the following matters, namely:-

- (i) conditions under which students shall be admitted to the courses of studies for degrees, diplomas and other academic distinctions;
- (ii) conditions governing the appointment and the duties of examiners;
- (iii) conduct of examinations;
- (iv) recognition of teachers of the University;
- (v) conditions of residence, conduct and discipline of students of the University, affiliated colleges and recognised institutions;
- (vi) recognition of hostels;
- (vii) inspection of affiliated colleges, recognised institutions and hostels;
- (viii) rules to be observed and enforced by the affiliated colleges and recognised institutions in respect of transfer of students;
- (ix) to fix the fees to be charged from the students;
- (x) mode of execution of contracts or agreements for, or on behalf of the University;
- (xi) all matters which, by this Act are to be or may be provided for by the Ordinances; and
- (xii) generally all matters for which provision is, in the opinion of the Executive Council, necessary for the exercises of the powers conferred or the performance of the duties imposed upon the Executive Council by this Act or the Statutes.

Making of Ordinances.

38. (1) The Ordinances shall be made by the Executive Council:

Provided that no Ordinance concerning the matters referred to in clauses (i) to (viii) of section 37, or any other matter connected with the maintenance of the standards of teaching and examinations within the University, shall be made unless a draft of the same has been proposed by the Academic Council.

(2) All Ordinances made by the Executive Council shall, except as provided by this Act, have effect from such date as it may direct but every Ordinance so made shall be laid before the Board and shall be considered by the Board at its next succeeding meeting.

(3) The Board shall have power, by a resolution, to cancel or to refer back, but not to amend any such Ordinance. The resolution cancelling any such Ordinance shall be passed by a majority of not less than two-thirds of the members present at such meeting, the majority comprising not less than one-half of the members of the Board.

(4) The Vice-Chancellor shall, on application of not less than one-third of the members of the Board, suspend the operation of any such Ordinance until the Board has considered it as provided in sub-section (3).

39. (1) The Academic Council, or as the case may be the Faculty, may, subject to the approval of the Academic Council, make regulations, consistent with this Act, the Statutes and the Ordinances providing for all matters which by this Act, the Statutes or the Ordinances are to be provided for, by Regulations and for all other matters solely concerning itself.

Regulations
and rules.

(2) Any authority of the University specified in clauses (iv) to (ix) of section 20 may, subject to the approval of the Executive Council, make rules, consistent with this Act, the Statutes, Ordinances and Regulations providing for all matters solely concerning such authority.

(3) All Regulations made by the Academic Council or any Faculty and all rules made by any authority or other Boards shall have effect from such date as the authority making the Regulations or rules, may direct:

Provided that a Regulation or rule which involves expenditure from the University Fund shall not be effective until it is approved by the Executive Council.

CHAPTER VI

AFFILIATION, RECOGNITION AND ACCREDITATION

40. (1) A college applying for affiliation to the University shall send an application to the Registrar, and shall satisfy the Executive Council and the Academic Council,-

Affiliation.

- (a) that the college will supply a need in the locality, and the suitability of the locality where the college is to be established;
- (b) that the college shall be under the management of a regularly constituted governing body under registered trust or, as the case may be, registered society;
- (c) that the strength and qualifications of the teaching and non-teaching staff and the conditions governing their tenure of office are such as to make due provision for the course of instruction, teaching or training to be undertaken by the college;
- (d) that the buildings in which the college is to be located are suitable, and provision shall be made in conformity with the Ordinances, for the residence in the college or in lodgings approved by the college, of students not residing with their parents or guardians, and for the supervision and welfare of the students;
- (e) that due provision has been made or shall be made for library;
- (f) that where affiliation is sought in any branch of experimental science, that arrangements have been or shall be made in conformity with the Statutes, Ordinances and Regulations for imparting instruction in that branch of science in a properly equipped laboratory;
- (g) that the financial resources of the college are such as to make due provisions for its continued maintenance and efficient working.

(2) The application shall contain an undertaking that after the college is affiliated, any transfer of management and all changes in the teaching staff and all other changes which result in any of the aforesaid requirements not being fulfilled or continued to be fulfilled shall be forthwith reported to the Executive Council.

(3) On receipt of an application under sub-section (1), the Executive Council shall-

- (a) direct local inquiry to be made by a competent person or persons authorised by the Executive Council in this behalf in respect of the matters referred to in sub-section (1) and such other matters as may be deemed necessary and relevant;
- (b) make such further inquiry as may appear to it to be necessary;
- (c) give due consideration to the request, if any, made by the applicant for reconsideration of any of the conditions conveyed to him;
- (d) record its opinion after consulting the Academic Council on the question whether the application should be granted or refused either in whole or in part, stating the result of any inquiry made under clauses (a), (b) and (c) of sub-section (3).

(4) The Registrar shall submit the application and all proceedings, if any, of the Academic Council and the Executive Council relating thereto, to the State Government which, after such inquiry as may appear to it to be necessary, shall grant or refuse the application or any part thereof.

(5) Where the application or any part thereof is granted, the order of the State Government shall specify the courses of the instructions in respect of which the college is affiliated, and, where the application or any part thereof is refused the grounds of such refusal shall be stated.

(6) As soon as possible after the State Government makes its order, the Registrar shall submit to the Board a report regarding the application, the action taken thereon under sub-sections (3) to (5) and of all proceedings connected therewith.

(7) An application under sub-section (1) may be withdrawn at any time before an order is made under sub-section (4).

41. Where a college desires to add to the courses of instruction in respect of which it is affiliated, the procedure prescribed under section 40 shall be followed. **Additional of courses of instruction.**

42. (1) The rights conferred on a college by affiliation may be withdrawn by the Executive Council in whole or in part or may be modified, if the college fails to comply with the provisions of the Statutes or Ordinances governing the affiliation or if the affairs of the college are conducted in a manner which are prejudicial to the interests of education: **Withdrawal of affiliation.**

Provided that no such affiliation shall be withdrawn unless the college is given an opportunity of being heard.

(2) If any affiliated college aggrieved by sub-section (1) raises any dispute as to the withdrawal of its rights of affiliation, then such dispute shall be referred to the State Government and the State Government shall decide the dispute and its decision shall be final.

43. (1) Any institution situated within the University area, which conducts specified research or studies may be recognised by the Executive Council in consultation with the Academic Council as a recognised institution for such purpose and in such manner and subject to such conditions, as may be prescribed by the Statutes. **Recognised institution of research and specialised studies and withdrawal thereof.**

(2) Any such recognition may be withdrawn either in whole or in part or may be modified in such manner and for such reasons, as may be prescribed by the Statutes.

44. (1) Every affiliated college and recognised institution shall furnish such reports, returns and other information as the Executive Council, after consulting the Academic Council, may require to enable it to judge the efficiency of the college or institution. **Inspection of colleges and reports, etc.**

(2) The Executive Council shall cause such college or institution to be inspected from time to time by one or more competent persons authorised by the Executive Council in this behalf.

(3) The Executive Council may call upon any college or institution so inspected to take, within a specified period, such action as may appear to it to be necessary on the basis of the findings and recommendations as a result of inspection as referred to in section (2).

Accreditation
of University.

45. The University shall obtain accreditation from the National Council of Assessment Accreditation (NAAC) within five years of its establishment and such other regulating bodies of the Government of India and the Government of Gujarat which are connected with the courses taken up by the University and inform the State Government about the grade provided to the University. The University shall get renewed such accreditation from time to time.

CHAPTER VII

POST-GRADUATE TEACHING AND RESEARCH

Post-graduate
instruction,
teaching
and training.

46. (1) Within the University area, all post-graduate instruction, teaching and training shall be conducted by the University or subject to control of the University by such affiliated colleges or institutions and in such subjects as may be prescribed by the Statutes.

(2) For the purpose of organising and co-ordinating the post-graduate instruction, teaching and training in the University area, there shall be constituted a Board to be known as the Board of University Teaching and Research.

(3) All post-graduate departments shall ordinarily be located at the headquarters of the University. However, the University may locate any of such departments at a place or places outside its headquarters.

(4) The University may maintain University Centres at places other than the headquarters of the University on such terms and conditions as may be prescribed by the Statutes.

(5) The Board of University Teaching and Research shall,-

- (i) advise the authorities on all matters connected with the promotion of advanced studies and research in the University;
- (ii) consider and report to the authorities on the institution of research degrees in the University;
- (iii) propose regulations regarding the award of research degrees;

- (iv) appoint supervisors for research studies and to determine the subjects of their thesis;
- (v) recommend panel of names of experts for setting examination papers and examiners for research and examinations after considering the proposals of the Board of Studies in this behalf;
- (vi) perform such other functions as may be prescribed by the Statutes.

CHAPTER VIII CONFERMENT OF DEGREES, DIPLOMAS, ETC.

47. (1) The Board may, in consultation with the Academic Council and the Executive Council institute such degrees, diplomas and other academic distinctions as may be prescribed under the relevant Statutes.
- (2) Notwithstanding anything contained in any other law for the time being in force, the University shall have power to grant degrees, diplomas, honorary degrees and other academic distinctions in accordance with the provisions of this Act.
- (3) The Academic Council shall by an appropriate resolution or resolutions confer upon such persons, such degrees and award such diplomas and other academic distinctions and grant degree certificates as provided by the Statutes, who have passed an examination at different times and have been declared qualified by the University to receive those degrees or diplomas or certificates.
- (4) The convocations of the University for the conferment of honorary degree, degrees, diplomas, certificate and academic distinctions shall be held in such manner as may be prescribed by the Statutes.

**Conferment of
degrees,
diplomas and
other
academic
distinctions.**

48. (1) If not less than two-thirds of the members of the Academic Council recommend that an honorary degree or other academic distinction be conferred on any person on the ground that he is in their opinion, by reason of eminent position and attainments, a fit and proper person to receive such degree or other academic distinction and where their recommendation is supported by a majority of not less than two-thirds of the members of the Board present at a meeting of the Board, such majority comprising not less than one-half of the members of the Board, and the recommendation is confirmed by the State Government, the Board may confer on such person the honorary degree or other academic distinction so recommended without requiring him to undergo any examination.

**Honorary
degree.**

(2) Not more than two persons shall be conferred with such academic distinction of honorary degree during an academic year, by the University.

(3) The Academic Council may, by a special resolution passed by a majority of not less than two-thirds of the members present and voting, recommend to the State Government after consultation with the Vice-Chancellor to withdraw an honorary degree granted to any person by the University for good and sufficient cause:

Provided that no such resolution shall be passed until a notice in writing has been given to that person calling upon him to show cause within such time as may be specified in the notice as to why such a resolution should not be passed and until objections, if any, and any evidence he may produce in support of them, have been considered by the Academic Council.

Removal of
person from the
register of
graduates and
withdrawal of
degree or
diploma.

49. (1) The Vice-Chancellor may, on the recommendation of the Executive Council and the Academic Council supported by a majority of not less than two-thirds of the members of each body present at its meeting, such majority comprising not less than one-half of the members of each body, remove the name of any person from the register of graduates or withdraw from any person a diploma or a degree if he has been convicted by a court of law of any offence which in the opinion of the competent authority is a serious offence involving moral turpitude or if he has been guilty of scandalous conduct.

(2) No action under sub-section (1) shall be taken unless the person concerned is given an opportunity of being heard.

CHAPTER IX COMMITTEES

Examiners'
Committee.

50. (1) There shall be formed a committee for each Faculty for the purpose of drawing up the list for appointment of the University Examiners, consisting of,-

- (i) the Dean, who shall be the *ex-officio* Chairperson;
- (ii) the Chairperson of the Board of Studies; and
- (iii) two members of the Board of Studies, nominated by the Vice-Chancellor for the year.

(2) The list of Examiners prepared by the Committee shall be placed by the Academic Council before the Vice-Chancellor for approval who may either approve, or modify the same for the reasons to be recorded in writing.

(3) The procedure to be followed by the Committee shall be such as may be prescribed by the Statutes.

51. The Board of Governors, the Executive Council, the Academic Council and other authorities may, from time to time, appoint such standing, special or advisory committees as it may deem fit and may nominate such persons on these committees as are not members of the authorities appointing such committees.

Other
Committees.

CHAPTER X FINANCE

52. (1) The University shall establish a fund to be called the "University Fund".

University
Fund.

(2) The following shall form part of, or be paid into, the University fund,-

- (a) any contribution or grants by the State Government, the Central Government, or the University Grants Commission;
- (b) the income of the University from all sources including income from fees and charges;
- (c) bequests, donations, endowments and other grants, if any;
- (d) any sum borrowed from the banks with the permission of the State Government.

II of 1934.

(3) All moneys credited to the fund of the University shall be deposited in any of the Scheduled Bank as defined in the Reserve Bank of India Act, 1934, or the surplus fund shall be invested, in such manner as the Board on the recommendation of the Finance Committee or as per the directions of the State Government issued from time to time in this behalf.

(4) No money from the University Fund shall be spent except as otherwise provided for meeting its objectives.

53. (1) The annual accounts of the University shall be prepared and audited under the direction of the Executive Council and shall be submitted to the State Government.

Annual
accounts and
financial
estimates and
audit.

(2) The Executive Council shall, after the accounts are audited, submit a copy thereof alongwith a copy of the audit report to the Board and to the State Government.

(3) The Executive Council shall also prepare, before such date as may be prescribed by the Statutes, the financial estimates for the ensuing year.

(4) The annual accounts and the financial estimates shall be considered by the Board at its annual meeting and it may pass resolutions with reference thereto and communicate the same to the Executive Council which shall take them into consideration and take such action thereon as it thinks fit; and finally adopt the accounts and financial estimates. The Executive Council

shall inform the Board at its next meeting of the action taken by it or of its reasons for taking no action.

(5) The annual accounts of the University shall be audited every year within three months of the closing of the financial year, by the auditors, appointed by the Finance Committee from amongst the firms of Chartered Accountants, whose partners have no interest in any of the authorities or affairs of the University. The Registrar and the Finance and Accounts Officer shall be jointly responsible for getting the accounts of the University so audited within the stipulated time limit, failing which the Vice-Chancellor shall take such steps as he may deem fit including disciplinary actions against such officers.

(6) The audited accounts shall be published by the University and a copy thereof together with the copy of the auditor's report shall be submitted to the State Government, and, on receipt of such audited accounts, the Board shall consider and pass such resolution thereon as it thinks fit.

(7) The State Government shall cause to be conducted the audit of the accounts of the University at least once in a year by the auditors appointed by the State Government.

**Annual
reports.**

54. The annual report of the University shall be prepared under the directions of the Executive Council and shall be submitted to the Board on or before such date as may be prescribed by the Statutes and shall be considered by the Board at the annual meeting. The Board may pass resolution thereon and communicate the same to the Executive Council which may take such action as it thinks fit, and the Executive Council shall inform the Board at its next meeting of the action taken by it or of its reasons for taking no action.

CHAPTER XI SUPPLEMENTARY PROVISIONS

**Appointment
of teachers
and other
employees.**

55. (1) Subject to the provisions of this Act, the teachers, officers, and other employees of the University shall be appointed in such manner and with such designations and grades as may be prescribed in the relevant Statutes, Ordinances and Regulations.

(2) The teachers, officers, and other employees of the University appointed under this Act shall be entitled to such salary and allowances, and shall be governed by such conditions of service and code of conduct as may be prescribed in the relevant Statutes, Ordinances and Regulations.

(3) No person shall be appointed as a teacher of the University, affiliated college or, as the case may be, recognised institution, unless he fulfills the prescribed qualifications and only after following due selection procedure laid down for such post by the University Grants Commission, the State

Government, the University or other statutory regulatory bodies, as specified in the relevant Statutes, Ordinances and Regulations.

(4) Till the first Statutes, Ordinances, Regulations and Rules under section 69 are framed, relevant Government rules, norms as underlined by the different executive orders of the State Government as in force including the Gujarat Civil Services (Conduct) Rules, 1971 and the Gujarat Civil Services (Discipline and Appeal) Rules, 1971 shall be applicable for managing the affairs of the University.

45 of 1860. 56. Every officer and employee of the University shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Officers and employees to be public servant.

Explanation. - For the purposes of this section, any person who is appointed by the University for a specified period, or for a specified work of the University, or who receives any remuneration by way of compensatory allowance or fee for any work done from the University Fund shall be deemed to be an officer or an employee of the University while he is performing, and in relation to all matters relatable to the performance of, the duties and functions connected with such appointment or work.

57. (1) The University shall make provisions for the benefit of its officers, teachers and other employees in such matters as insurance, pension, provident fund or other benefits as it may deem fit, in such manner and subject to such conditions as may be prescribed by the Statutes.

Pension, insurance and provident fund of staff of University, etc.

(2) The governing body of any affiliated college and of a recognised institution shall make adequate provisions for the benefit of the members of the teaching and of other academic and non-teaching staff of such college or institution in matters of pension, insurance and provident fund or for other benefits as may be prescribed by the Statutes.

58. (1) Where the University has established a provident fund for the benefit of its officers, teachers and other employees under section 57, such fund shall, notwithstanding anything contained in any law for the time being in force, be deposited in the Government treasury in accordance with such directions as the State Government may, from time to time, by an order in writing give and thereupon,-

Provident fund to be deposited in Government Treasury.

- (i) the subscriber to the fund shall be entitled to interest on the balance in his provident fund account at the same rate, at which the State Government employee is for the time being entitled to on the balance in his provident fund account; and
- (ii) the rules for the time being in force relating to the limits of withdrawals from the provident fund as applicable to the Government employees shall, so far as may be, apply to the subscriber.

(2) Nothing in this section shall apply to a provident fund established by the University to which the Employees' Provident Funds and Miscellaneous X of 1952. Provisions Act, 1952, applies.

Vacating of
office.

59. (1) Any member of any authority or body of the University may resign from his office by a letter addressed to the Vice-Chancellor through the Registrar and the resignation shall take effect on its acceptance by the Vice-Chancellor or on the expiry of thirty days from the date of the receipt of the letter by the Vice-Chancellor, whichever event occurs earlier.

(2) Any member of any authority or body of the University shall cease to be a member on being convicted by a court of law of an offence, which in the opinion of the Executive Council, involves moral turpitude.

Filling of
casual
vacancies.

60. When any vacancy occurs in the office of a member (other than an *ex-officio* member) of any authority or other body of the University before the expiry of the term of office of such member, the vacancy shall be filled up, as soon as conveniently may be, by the nomination, appointment or co-option, as the case may be, of a member who shall hold office so long only as the member in whose place he has been nominated, appointed or co-opted, would have held it, if the vacancy had not occurred.

Liability
for
damage.

61. (1) It shall be the duty of every officer, teacher and other employee of the University to ensure that the interests of the University are duly safeguarded.

(2) If it is found that any damage or loss has been caused to the University by any unlawful act not done in good faith, on the part of such officer, teacher, or other employee, or by any wilful failure to act in conformity with the provisions of this Act, the Statutes, Ordinances, Regulations or Rules, or by any wilful neglect or default on his part, such damage or loss shall be liable to be recovered from him in accordance with the procedure prescribed by the Statutes.

Proceedings
not
invalidated
by
vacancies.

62. No act or proceedings of any authority or other body of the University shall be invalidated merely by reason of any vacancy in its membership.

Disputes as to
constitution of
University
authority or
body.

63. Where any question arises as to,-

(i) the interpretation of any provision of this Act, or Statute, Ordinance, Regulation or Rule, or

(ii) whether a person has been appointed as, or is entitled to be or ceases to be, a member of any authority or other body of the University,-

(a) it may be referred to the State Government if it relates to a matter specified in clause (i); and

(b) it shall be referred to the State Government if,-

(i) it relates to a matter specified in clause (ii); or

(ii) if twenty members of the Board so require irrespective of whether it relates to a matter specified in clause (i) or clause (ii), and

the State Government shall after making such inquiry as it deems fit (including giving an opportunity of being heard where necessary) decide the question and its decision shall be final.

64. All acts and orders in good faith done and passed by the University or any of its authorities, bodies or officers shall be final and no suit shall be instituted against or damage claimed from the University or its authorities, bodies or officers for anything purporting to be done in pursuance of this Act and the Statutes, Ordinances, Regulations and Rules framed thereunder.

Protection of acts and orders.

CHAPTER XII TRANSITORY PROVISIONS

Guj. 39 of
1965.

65. (1) Notwithstanding anything contained in the Saurashtra University Act, 1965 or in the Statutes, Ordinances, Regulations, Rules and orders made thereunder, the colleges and the departments and the centres situated within the University area shall, from the date of the commencement of this Act, cease to be the colleges, departments or, as the case may be, centres of the Saurashtra University and shall be transferred to and vest in the University.

Transfer of certain colleges, departments and centres of Saurashtra University to the University.

(2) The control and management of the colleges, departments and centres referred to in sub-section (1) shall, with effect on and from the date of the commencement of this Act, stand transferred to the University and all properties and assets (whether movable or immovable) and liabilities of the Saurashtra University in relation thereto shall stand transferred to and vest in or devolve upon the University.

(3) Where immediately before the date of commencement of this Act, the Saurashtra University has made any contract in relation to the said colleges, departments or centres, such contracts shall be deemed to have been made by the University and any reference therein to the Saurashtra University shall be construed as reference to the University.

(4) Where immediately before the commencement of this Act, the Saurashtra University is a party to any legal proceedings with respect to any

property and assets transferred to the University under this section or with respect to any of the rights, liabilities or obligations of the Saurashtra University which have become the rights, liabilities and obligation of the University, the University shall be deemed to be substituted for the Saurashtra University as a party to those proceedings and the proceedings shall continue accordingly.

Terms and conditions of employees of affiliated colleges who were holding the posts in affiliated colleges of Saurashtra University.

66. Notwithstanding anything contained in this Act, every employee of the college affiliated to the University or the recognised institution, who is holding office (whether teaching or non-teaching) of the Saurashtra University immediately before the commencement of this Act, shall continue to hold such office on the same terms and conditions as were applicable to him immediately before such date, and exercise such powers and perform such duties as are conferred on them by or under this Act.

Completion of courses of students in colleges affiliated to Saurashtra University.

67. Notwithstanding anything contained in this Act, or the Statutes, Ordinances and Regulations made thereunder, any student of a college situated within the University area and affiliated to the Saurashtra University, who immediately before the date on which this Act comes into force, was studying or was eligible for any examination of the Saurashtra University shall be permitted to complete his course in preparation therefor, and the University shall provide for such period and in such manner as may be prescribed by the Statutes for the instruction, teaching, training and examination of such students in accordance with the courses of studies of the Saurashtra University.

Appointment of first Vice-Chancellor.

68. Notwithstanding anything contained in section 12, the first Vice-Chancellor shall be appointed by the State Government as soon as practicable after the commencement of this Act for a period not exceeding three years and on such terms and conditions as the State Government thinks fit.

Transitory powers of first Vice-Chancellor.

69. (1) It shall be the duty of the first Vice-Chancellor,-

- (a) to give recognition to institutions, if any, as far as possible consistently with the provisions of section 43; and
- (b) to make arrangements for constituting the Board, the Executive Council, the Academic Council and other authorities of the University, within six months after the date of his appointment or such longer period not exceeding one year as the State Government may, by notification in the *Official Gazette*, direct.

(2) The first Vice-Chancellor shall, with the assistance of Advisory Committee consisting of not more than fifteen members nominated by the State Government,-

(a) subject to the provisions of this Act and the approval of the State Government,-

(i) make provisional Statutes necessary for constituting the aforesaid authorities and regulating the procedure at their meetings and the transaction of their business;

(ii) draw up any rules that may be necessary for constituting the aforesaid authorities;

(b) frame the first Statutes, Ordinances and Regulations under this Act and submit them for confirmation to the respective authorities when they commence to exercise their functions.

(3) The authorities constituted under sub-section (1) shall commence to exercise their functions on such date or dates as the State Government may, by notification in the *Official Gazette*, direct.

(4) The Statutes, Ordinances and Regulations framed by the first Vice-Chancellor shall, when confirmed by the respective authorities, be published in the *Official Gazette*.

70. The Vice-Chancellor appointed under section 68 shall have powers until the Executive Council commences to exercise its functions,-

Extraordinary powers of first Vice-Chancellor.

(a) with the previous approval of the State Government to make additional Statutes to provide for any matter not provided for by the first Statutes;

(b) to constitute provisional authorities and bodies and on their recommendations to make rules providing for the conduct of the work of the University;

(c) subject to the control of the State Government, to make such financial arrangements as may be necessary to enable this Act or any part thereof to be brought into force;

(d) with the sanction of the State Government, to make for a period not exceeding two years such appointments as may be necessary to enable this Act or any part thereof to be brought into force;

(e) to appoint any committee as he may think fit, to discharge such of functions as he may direct; and

(f) generally to exercise all or any of the powers conferred on the Executive Council by or under the provisions of this Act.

71. Notwithstanding anything contained in section 14, the first Pro-Vice-Chancellor shall be appointed by the State Government as soon as practicable after the commencement of this Act for a period not exceeding three years and on such terms and conditions as the State Government thinks fit.

Appointment of first Pro-Vice-Chancellor.

Appointment
of first
Registrar.

72. Notwithstanding anything contained in section 16, the first Registrar shall be appointed by the State Government as soon as practicable after the commencement of this Act for a period not exceeding three years and on such terms and conditions as the State Government thinks fit.

First appointment
of officers and
teachers of
University.

73. (1) At any time after the commencement of this Act until such time as the authorities of the University commence to exercise their functions,-

- (a) any officer of the University may be appointed by the Vice-Chancellor with the previous sanction of the State Government;
- (b) the teachers of the University may be appointed by the State Government after considering the recommendations of an Advisory Committee consisting of the Vice-Chancellor, the Commissioner of Higher Education, Gujarat State and such other person or persons, if any, as the State Government thinks fit to associate with them.

(2) Any appointment made under sub-section (1), shall be for such period not exceeding two years and on such terms and conditions as the appointing authority thinks fit:

Provided that no such appointment shall be made until financial provision has been made therefor.

Prohibition
of
membership.

74. Notwithstanding anything contained in the Saurashtra University Act 1965, no member, other than an *ex-officio* member of any of the authorities of the Saurashtra University shall be eligible to become a member of any of the authorities of the University established under this Act till such member has completed his term or has resigned from his office. Guj. 39 of 1965.

Power to
remove
difficulties.

75. If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by an order published in the *Official Gazette*, make such provisions not inconsistent with the provisions of this Act, as appear to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

Amendment
of Schedule
to Guj. 39 of
1965.

76. In the Saurashtra University Act, 1965, in the Schedule, entry 4 shall be deleted. Guj. 39 of 1965.

SCHEDULE

[See section 2(14)]

1. Junagadh District.
2. Porbandar District.
3. Gir-Somnath District.
4. Devbhumi-Dwarka District.

STATEMENT OF OBJECTS AND REASONS

The Saurashtra University was carved out from the Gujarat University and was established in the year 1965 under the Saurashtra University Act, 1965. Thereafter, in view of the persistent demand of the people of Bhavnagar District and the fact that number of colleges and educational institutions under the supervision and control of the Saurashtra University had increased significantly, the Bhavnagar University in the year 1978 was established by enacting the Bhavnagar University Act, 1978. At present, there are as many as 302 colleges and educational institutions under the control of the Saurashtra University. The State Government is of the view that an University which has reasonable number of colleges and other educational institutions under its supervision and control would be able to function more efficiently and the standard of instructions would be improved considerably. Moreover, some of the existing colleges and institutions of the Saurashtra University are far away from the headquarters of the Saurashtra University which is at Rajkot and the students of the districts of Gir Somnath and Devbhumi-Dwarka have to face hardships whenever they are required to visit the University. It is, therefore, felt necessary to establish a new University at Junagadh in the name of Bhakta KaviNarsinh Mehta University for the districts of the Junagadh, Porbandar, Gir Somnath and Devbhumi Dwarka so as to serve the local needs of the students as also to cater the needs of the region.

The Finance Minister in his Budget Speech on 24.2.2015 while presenting the Annual Budget for the Financial Year 2015-16 of the State on the floor of the State Legislative Assembly had declared the intention of the State Government to establish two Universities and accordingly the Bill provides for the establishment of the Bhakta Kavi Narsinh Mehta University at Junagadh.

This Bill seeks to achieve the aforesaid objects.

The following notes on clauses explain, in brief, some of the important provisions of the Bill:-

Clause 1.- This clause provides for short title and commencement of the Act.

Clause 2.- This clause defines certain terms used in the Bill.

Clauses 3 to 7.- These clauses provide for establishment and incorporation of the Bhakta Kavi Narsinh Mehta University, its headquarters, objects and powers and functions, jurisdiction of the University.

Clause 8.- This clause provides that the University shall be open to all irrespective of their sex, race, creed, caste, class, place of birth, religious, belief or political or other opinion.

Clause 9.- This clause provides for the power of the State Government to give directions, order assessment and inquiry on the grounds of teaching standards, examinations, research or administration if it is deteriorated substantially and not of the acceptable level.

Clauses 10 and 11.- These clauses provide for the officers of the University and eligibility of age limit of officers of the various authorities.

Clauses 12 and 13.- These clauses provide for the qualification, other terms and conditions of service for appointment of the Vice-Chancellor of the University and his powers.

Clause 14.- This clause provide for the appointment of the Pro-Vice-Chancellor and terms and conditions of service for appointment of the Pro-Vice-Chancellor of the University and his powers.

Clauses 15 to 19.- These clauses provide for the appointment, conditions of service and powers and functions of the Deans of Faculties, Registrar, Law Officer, Finance and Accounts Officer and Controller of Examinations.

Clause 20.- This clause provides for the authorities of the University.

Clauses 21 to 23.- These clauses provide for the constitution of the Board of Governors, term of members of the Board, meetings of the Board, powers and duties of the Board of Governors.

Clauses 24 to 30.- These clauses provide for the constitution of Executive Council, Academic Council and Finance Committee, Buildings and Estate Committee of the University, term of members of the Council and Committee, resignation of members and their powers and functions.

Clauses 31 to 33.- These clauses provide for the constitution of Faculties and Board of Studies of the University and their powers and duties.

Clause 34.- This clause provides for the constitution, powers and duties of the boards and bodies which may be declared as the authority of the University in accordance with the Statutes.

Clauses 35 and 36.- These clauses provide for making of Statutes by the Board for matters specified therein.

Clauses 37 and 38.- These clauses provide for making of Ordinances by the Executive Council for matters specified therein.

Clause 39.-This clause provides of making of regulations by the Academic Council or Faculty. It also provides for making of rules by other authority such as Finance Committee, Buildings and Estate Committee, specified in clause 20 of the Bill.

Clauses 40 to 42.-These clauses provide for affiliation of a college to the University, extension of affiliation and withdrawal of affiliation.

Clause 43.-This clause provides for recognition of institution of research and specialised studies and withdrawal thereof.

Clause 44.-This clause provides for inspection of colleges and obtaining the reports thereon.

Clause 45.-This clause casts a duty on the University to obtain the accreditation from regulating agencies within five years.

Clause 46.-This clause provides for the post-graduate teaching and research in the University and at other places other than the University headquarters and further provides for the constitution of the Board of University Teaching and Research and its functions.

Clauses 47 to 49.-These clauses provide for the powers of the University to confer and withdraw degrees, diplomas, honorary degrees, grant certificates and other academic distinctions as approved by the Board of Governors.

Clause 50.-This clause provides forming of Examiners Committee's for each Faculty.

Clause 51.- This clause empowers the Board of Governors and other authorities to appoint such committees as deemed fit.

Clause 52.- This clause provides for the establishment of the University Fund.

Clause 53.- This clause provides for the preparation of accounts of the University and audit thereof and the audit by the State Government at least once in a year.

Clause 54.-This clause provides for preparation of the annual report of the University and submission to the Board of Governors.

Clause 55.- This clause provides for the appointment of the teachers, officers and other employees of the University, affiliated colleges and recognised institution their emoluments and conditions of services.

Clause 56.- This clause provides that all the officers, teachers and employees shall be deemed to be the public servants.

Clause 57.- This clause provides for the pension, provident fund and insurance for the benefits of the officers, teachers and other employees of the University, affiliated colleges and recognised institution.

Clause 58.- This clause provides for the provident fund to be deposited in the Government treasury.

Clauses 59 and 60.- These clauses provide for the manner in which a member of any authority or body may resign from his office and filling of the casual vacancies.

Clause 63.- This clause provides for the redressal of disputes with regard to the interpretation of this Act or Statutes, etc., and disputes regarding the appointment, entitlement and cessation of a member of any authority or any other body of the University.

Clause 64.- This clause provides for usual indemnity for acts done in good faith.

Clause 65.- This clause provides for the different consequences with regard to the transfer of colleges, department from the Saurashtra University on the establishment of the University under this Act.

Clause 66.- This clause provides for the continuation of holding their offices by the employees of the colleges as a result of establishing the University under this Act.

Clause 67.- This clause provides for the completion of the courses by the students in the Saurashtra University.

Clauses 68 to 70.- These clauses provide for the appointment of the first Vice-Chancellor by the State Government for a period not exceeding three years, transitory powers and extra ordinary powers of the first Vice-Chancellor.

Clauses 71 and 72.- These clauses provide for the appointment of the first Pro-Vice-Chancellor and the first Registrar by the State Government.

Clause 73.- This clause provides for the appointment of the Officers and teachers by the Vice-Chancellor with the previous sanction of the State Government for a period not exceeding two years immediately after coming into force in this Act.

Clause 74.- This clause provides for prohibition of a member of any authority of the Saurashtra University for becoming a member of any of the authorities of the University to be established under this Act till the term of such member expires or resigns from his office.

Clause 75.- This clause empowers the State Government to remove difficulties arising in giving effect to the provisions of the Act, within a period of two years from the commencement of this Act.

BHUPENDRASINH CHUDASAMA,

FINANCIAL MEMORENDOM

Sub-clause (2) of clause 52 of the Bill contemplates the payment of contribution of the grant to the University among others by the State Government. The Bill, if enacted and brought into operation, would involve an estimated annual expenditure for the financial year 2015-16 of rupees 27.50 crore and for the financial year 2016-17 of rupees 27.50 crore from the Consolidated Fund of the State. In the Budget Estimate for the year 2015-16 a provision of rupees 27.50 crore and for the year 2016-17 a provision of rupees 27.50 crore will be made out of which rupees 27.50 crore would be of recurring nature and rupees Nil crore would be of non-recurring nature.

BHUPENDRASINH CHUDASAMA,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill provides for delegation of legislative powers in the following respects:-

Clause 1- Sub-clause (2) of this clause empowers the State Government to appoint by notification in the *Official Gazette*, the date on which provisions other than section 1 of this Act shall come into force and also to appoint different dates for different provisions.

Clause 6.- (i) This clause empowers the concerned authority of the University to prescribe conditions subject to which the University shall have the powers specified in that clause;

- (i) sub-clauses (10) and (11) of this clause empower the University to confer degrees, diplomas and other academic distinctions in the manner prescribed by the Statutes;
- (ii) sub-clause (12) of this clause empowers the University to grant diplomas and to provide for such lectures, instruction and training for persons who are not enrolled students of the University, by the Statutes, Ordinances, Regulations and Rules;
- (iii) sub-clause (19) of this clause empowers the University to fix, demand and receive or recover such fees and other charges as prescribed by the Ordinances.

Clause 7.- Sub-clause (5) of this clause empowers the State Government to direct by notification in the *Official Gazette*, that this Act shall from the date specified in the notification cease to apply to any area included in the University area.

Clause 10.- This clause empowers the Board of Governors to declare by Statutes, other officers who are in the service of University to be the officers of the University.

Clause 12.- (i) para (i) of sub-clause (4) of this clause empowers the Executive Council and the Academic Council to jointly nominate one person on the Committee and the Vice-Chancellors of all Universities established by law in the State of Gujarat to nominate another person on the Search Committee in the manner prescribed by the Statutes;

(ii) sub-clause (6) of this clause empowers the Board of Governors to prescribe by Statutes, the time within which and the manner in which the Committee shall select three persons whom it considers fit for being appointed as the Vice-Chancellor; and also empowers to prescribe other particulars which the Committee shall recommend to the State Government.

Clause 13.- Sub-clause (8) of this clause empowers the concerned authority to prescribe by Statutes, Ordinances and Regulations, the other powers to be exercised and the other functions to be performed by the Vice-Chancellor.

Clause 14.- Sub-clause (5) of this clause empowers the Board of Governors to prescribe by Statutes, the other powers to be exercised and the other duties to be performed by the Pro-Vice-Chancellor.

Clause 15.- (i) Sub-clause (1) of this clause empowers the Board of Governors to prescribe by Statutes, the manner in which the Deans of Faculties shall be elected;

(ii) para (viii) of sub-clause (4) of this clause empowers the Board of Governors to prescribe by Statutes the other powers to be exercised and the other functions to be performed by the Deans of Faculties.

Clause 16.- This clause empowers the Board of Governors to prescribe by Statutes, the emoluments and conditions of service on which the Registrar shall be appointed. It also empowers the concerned authority to prescribe by Statutes, Ordinances and Regulations, the other powers to be exercised and the other functions to be performed by the Registrar.

Clause 17.- Sub-clause (2) of this clause empowers the Board of Governors to prescribe by Statutes, the qualifications, experience, powers, functions and duties of the Law Officer of the University.

Clause 18.- (i) Sub-clause (1) of this clause empowers the Board of Governors to prescribe by Statutes, the other powers to be exercised and the other functions to be performed by the Finance and Accounts Officer of the University;

(ii) para (ii) of sub-clause (4) of this clause empowers the State Government to prescribe by Statutes, the other financial functions to be performed by the Finance and Accounts Officer.

Clause 19.- Sub-clause (2) of this clause empowers the Board of Governors to prescribe by Statutes, the qualifications, terms and conditions of service and the tenure of the Controller of Examination of the University.

Clause 20.- Item (ix) of this clause empowers the Board of Governors to declare by Statutes, the other Boards and Bodies of the University to be the authorities of the University.

Clause 21.- This clause empowers the Board of Governors to prescribe by Statutes, the manner in which five registered graduates referred to in item (v) falling under the heading "Class II Ordinary Members" shall be nominated by the Vice-Chancellor.

Clause 25.- (i) Sub-clause (1) of this clause empowers the concerned authority of the University to prescribe, conditions subject to which the Executive Council shall have the powers specified in paras (i) to (xxvi) of this clause;

(i) item (xix) of sub-clause (1) empowers the Board of Governors to prescribe by Statutes, the manner in which honorary degrees and academic distinction shall be conferred by the Board of Governors;

(iii) item (xxiv) of sub-clause (1) empowers the Executive Council to prescribe by Ordinances, the fees and other charges to be fixed, demanded and received;

(iv) sub-clause (5) empowers the Executive Council to prescribe by Ordinances, to appoint committee or committees to carry out its administrative work and define its constitution, functions and tenure.

Clause 27.- Sub-clause (2) of this clause empowers the concerned authority of the University to prescribe conditions subject to which the Academic Council shall have the powers for the matters specified in paras (i) to (xiv) of this clause.

Clause 29.- This clause empowers the Finance Committee to exercise other powers and perform other duties conferred or imposed upon it by the Regulations.

Clause 31.- (i) Sub-clause (1) of this clause empowers the Board of Governors to prescribe by Statutes, the faculties other than the faculties of Arts, Education, Sciences, Law, Medicine, Commerce, which shall be included;

(ii) proviso to sub-clause (4) of this clause empowers the State Government after consulting the University, to direct, by notification in the *Official Gazette*, that the Faculties specified in the notification may be located at the place other than the headquarters of University.

Clause 32.- (i) Sub-clause (2) of this clause empowers the concerned authority of the University to prescribe the conditions subject to which the Faculty shall exercise the powers and perform the duties for the matters specified in paras (i) to (xii) of this clause.

Clause 33.- (i) Sub-clause (1) of this clause empowers the Board of Governors to prescribe by Statutes, the subjects or group of subjects for a Board of Studies;

(ii) para (ii) of sub-clause (6) of this clause empowers the concerned Faculties to prescribe by regulations, the books for study in the subject;

(ii) para (ix) of sub-clause (6) of this clause empowers the Board of Governors to prescribe by Statutes, the other powers which shall

be exercised and other duties which shall be performed by the Board of Studies.

Clause 34.- This clause empowers the Board of Governors to prescribe by Statutes, the constitution, powers and duties of the Boards and Bodies which may be declared to be the authorities of the University under section 20.

Clause 35.- This clause empowers the Board of Governors to prescribe conditions subject to which the Board of Governors shall make Statutes specified for the matters specified therein.

Clause 36.- This clause empowers the Board of Governor to make, amend, repeal or add the Statutes in the manner specified therein.

Clauses 37 and 38.- These clauses empower the Executive Council to prescribe by Statutes, the conditions subject to which the Executive Council shall make Ordinances for the matters mentioned in this clause.

Clause 39.- (i) This clause empowers the Academic Council and Faculty to make regulations consistent with the provisions of the Act and Ordinances for the matters concerning itself;

(ii) sub-clause (2) of this clause empowers authorities declared under section 20, to make rules consistent with the Act, Statutes, Ordinances with the approval of the Executive Council.

Clause 43.- (i) Clause (1) of this clause empowers the Board of Governors to prescribe by Statutes, the purpose for which, the manner in which and the conditions subject to which, any institute situated within the University area, which conducts specified research or studies shall be recognised by the Executive Council in consultation with the Academic Council;

(ii) clause (2) of this clause empowers the Board of Governors to prescribe by Statutes, the manner in which and the reasons for which the recognition of any institute may be withdrawn either in whole or in part or may be modified.

Clause 46.- (i) Sub-clause (1) of this clause empowers the Board of Governors to prescribe by Statutes, the subjects in which the post-graduate instruction, teaching and training shall be conducted by the University or the affiliated colleges or institutions;

(ii) sub-clause (4) of this clause empowers the Board of Governors to prescribe by Statutes, the terms and conditions subject to which the University Centres shall be maintained by the University at the places other than the headquarters of the University.

Clause 47.- (i) Clause (1) of this clause empowers the concerned authority to prescribe by Statutes, the degrees, diplomas and other academic

distinctions which the Board of Governors in consultation with the Academic Council and Executive Council may institute and confer;

(ii) clause (4) of this clause empowers the concerned authority to prescribe by Statutes, the manner in which convocation of the University for conferment of honorary degree, diploma, certificate and academic distinction shall be held.

Clause 50.- Sub-clause (3) of this clause empowers the Board of Governors to prescribe by Statutes, the procedure to be followed by Examiners' Committee for appointment of the University Examiner.

Clause 53.- Sub-clause (3) of this clause empowers the Board of Governors to prescribe by Statutes, the date before which the Executive Council shall prepare the financial estimates for the ensuing year.

Clause 54.- This clause empowers the Board of Governors to prescribe by Statutes, the date on or before which the annual report of the University shall be prepared and submitted to the Board of Governors.

Clause 55.- Sub-clauses (1) to (3) of this clause empower the concerned authorities of the University to prescribe by the Statutes, Ordinances and Regulations, the designations and grades, entitlement of salary and allowances, conditions of service and code of conduct; of the teachers, officers and other employees of the University, and qualifications for appointment of teachers.

Clause 57.- (i) Sub-clause (1) of this clause empowers the Board of Governors to prescribe by the Statutes, the manner and conditions subject to which the University shall make provisions for insurance, pension, provident fund and other benefits of the officers, teachers and other employees of the University;

(ii) Sub-clause (1) of this clause empowers the Board of Governors to prescribe by the Statutes, the adequate provisions by the Governing body of the any college and recognised institution for insurance, pension, provident fund and other benefits of the members of teaching and other academic and non-teaching staff of such college or institution.

Clause 61.- Sub-clause (2) of this clause empowers the Board of Governors to prescribe by Statutes, the procedure to be followed for the recovery of damage or loss caused to the University by any officer, teacher, or other employee.

Clause 67.- This clause empowers the Board of Governors to prescribe by Statutes, the period for which and the manner in which the University shall provide for completion of courses, instruction, teaching, training and examination of students in colleges affiliated to the Saurashtra University.

Clause 69.- (i) Sub-clause (1) of this clause empowers the State Government to extend by notification in the *Official Gazette*, a period up to one year within which the First Vice-Chancellor shall perform functions of giving recognition to the institutions and constitution of the authorities specified in that sub-clause;

(ii) sub-clause (3) of this clause empowers the State Government to direct by notification in the *Official Gazette*, the date or dates on which the authorities constituted under sub-clause (1) of this clause shall commence to exercise their functions.

Clause 70.- (i) This clause provides for the extra-ordinary powers of the First Vice-Chancellor to make additional Statutes with the previous approval of the State Government, for the matters not included in the first Statutes.

Clause 75.- This clause empowers the State Government to make an order published in *Official Gazette*, to remove any difficulty if arisen in giving effect to the provisions of this Act within a period of two years .

The delegation of legislative powers, as aforesaid, is necessary and is of a normal character.

Dated the 19th August, 2015. BHUPENDRASINH CHUDASAMA.

By order and in the name of the Governor of Gujarat,

Gandhinagar,
Dated the 19th August, 2015.

C. J. GOTHI,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.



सत्यमेव जयते

The Gujarat Government Gazette

EXTRAORDINARY
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Separate paging is given to this part in order that it may be filed as a Separate Compilation.

PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE SHRI GOVIND GURU UNIVERSITY BILL, 2015.

GUJARAT BILL NO. 25 OF 2015.

A BILL

*to establish and incorporate a teaching and affiliating University at
Godhara, in the State of Gujarat to be known as the
Shri Govind Guru University.*

It is hereby enacted in the Sixty- sixth Year of the Republic of India
as follows:-

CHAPTER I PRELIMINARY

1. (1) This Act may be called the Shri Govind Guru University Act, 2015.

Short title and
commencement.

(2) This section shall come into force at once and the remaining provisions shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint; and different dates may be appointed for different provisions.

2. In this Act, unless the context otherwise requires,-

Definations.

- (1) "affiliated college" means a college affiliated to the University under section 40;
- (2) "Board" means the Board of Governors constituted under section 21;
- (3) "college" means an educational institution or an affiliated college teaching any of the courses leading to a degree or a diploma;
- (4) "Dean" means the Dean of the University appointed under section 15;
- (5) "Hostel" means a unit of residence for the students of the University or colleges or institutions maintained or recognised by the University under this Act;
- (6) "Principal" means the head of a college and includes in-charge principal;
- (7) "recognised institution" means an institution for research or specialised studies, other than an affiliated college, recognised as such under section 43;
- (8) "registered graduate" means a graduate registered under the provisions of this Act;
- (9) "self-financed course" means the course conducted by the University, college or self-financed institute as recognised by the University;
- (10) "self-financed institution" means an institution functioning on self-financed basis, which has obtained the previous sanction for the same of the State Government and is admitted to the privileges of the University subject to the conditions laid down in that regard by the University and which is affiliated to the University;
- (11) "Statutes", "Ordinances", "Regulations" and "Rules" means respectively the Statutes, Ordinances, Regulations and Rules made under this Act and for the time being in force;
- (12) "teacher" means a Principal, Professor, Associate Professor, Assistant Professor, or such other person imparting instruction or supervising research in any of the affiliated colleges or recognised institution and whose appointment has been approved by the University and includes such person appointed on contractual basis or temporary basis or on *ad-hoc* basis or on need base or otherwise, Visiting Teachers, Emeritus Professors, Consultants, Scholars, Mentors and Advisors;
- (13) "University" means the Shri Govind Guru University constituted under section 3;

(14) "University area" means the areas specified in the Schedule appended to this Act;

(15) "University centre" means a centre where post-graduate studies is imparted and maintained by the University;

(16) "University college" means a college which the University may establish or maintain or administer under this Act or a college transferred to the University and maintained by it;

(17) "University department" means any post-graduate or research institute or department designated or recognised as such and maintained by the University.

CHAPTER II UNIVERSITY

3. (1) There shall be established and constituted a University to be known as the "Shri Govind Guru University".

Establishment
and
incorporation
of University.

(2) The Vice-Chancellor, the Pro-Vice-Chancellor and members of the Board of Governors, the Executive Council, the Academic Council, the Finance Committee, and the Building and Estate Committee of the University; and all persons who may hereafter become such officers, members, or authority, so long as they continue to hold such office or membership, shall constitute a body corporate by the name of the "Shri Govind Guru University".

(3) The University shall have a perpetual succession and a common seal, and may sue and be sued by the said name.

(4) The University shall be competent, to acquire and hold property, both movable and immovable, to lease, sell or otherwise transfer any movable or immovable property which may vest in or be acquired by it for the purposes of the University, to raise loans on the securities of its assets and to contract and do all other things necessary for the purposes of this Act:

Provided that no such sale, lease or transfer of such property shall be made or the power to raise any such loan shall be exercised without the prior sanction of the State Government.

4. The headquarters of the University shall be at Godhara, District: Panchmahal, Gujarat.

Headquarters
of University.

5. The objects of the University shall be to develop the knowledge of different branches of Higher, Technical and Professional learning and research in relation to the different domains and their applications. The prime objects of the University shall be to create centers and institutes of excellence in the aforesaid areas in particular and other objects shall be as follows, namely:-

Objects
of
University.

- (1) to disseminate, create and preserve knowledge and understanding by teaching, research and training;
- (2) to develop different patterns of teaching for a certificate or diploma courses, under graduate and post-graduate courses and at doctoral level and to maintain a high standard of education and its applications;
- (3) to develop training facilities and to make arrangement for training in higher education, professional education and other fields, to provide for inter-relationship for national and international participation in the fields of science, technology, humanities, commerce, management, law, physiotherapy, medicine, paramedical, forestry, marine sciences, environmental sciences, and other fields;
- (4) to establish close linkage with the industry to make teaching, research and training at the University, relevant to the needs of the society, at the national and global level;
- (5) to introduce and nurture innovations in the existing education system through CBCS and interdisciplinary, skill based approach so as to reflect India's spiritual knowledge, robust intellectual and inexhaustible creativity;
- (6) to study and derive lessons from the ongoing latest experiments of education that are taking place in the State of Gujarat as also elsewhere and to foster all the valuable innovative work and promote the same for larger expansion and utilization;
- (7) to establish Centre of Excellence or independent research centre(s);
- (8) to provide avenues of higher education and research facilities primarily for the tribal population;
- (9) to disseminate and advance knowledge by providing instructional and research facilities in tribal art, culture, tradition, language, medicinal systems, customs, forest based economic activities, and advancement in technologies relating to the natural resources of the tribal areas;
- (10) to collaborate with national and international Universities or organisations, especially for undertaking cultural studies and research on tribal populations;
- (11) to formulate tribal centric development models, publish reports and monographs; and to organize conferences, seminars on issues relating to tribals; and to provide inputs to policy matters in different spheres;
- (12) to take appropriate measures for promoting the members of tribal communities capable of managing, administering and looking after their own needs by access to higher education through a University of their own;

- (13) to take appropriate measures for promoting innovations in teaching-learning processes in inter-disciplinary studies and research; and to pay special attention to the improvement of the social, educational and economic conditions and welfare of the Scheduled Tribes, their intellectual, academic and cultural development.

6. Subject to such conditions as may be prescribed by or under the provisions of this Act, the University shall have the following powers and functions, namely:-

Powers and
functions
of
University.

- (1) to provide for the instruction, teaching and training in such branches of learning and courses of study as it may think fit, and to make provision for research, advancement and dissemination of knowledge;
- (2) to make such provision as would enable affiliated colleges and recognised institutions to undertake specialisation of studies;
- (3) to organize common laboratories, libraries and other equipments for teaching and research;
- (4) to establish, take over, maintain and manage college, department, centres and institutes of research or specialized studies;
- (5) to institute Professorships, Associate Professorships or Assistant Professorships and other posts of teachers required by the University;
- (6) to appoint or recognise persons as Professors, Associate Professors, or Assistant Professors or otherwise as teachers of the University;
- (7) to lay down the courses of instruction including inter-disciplinary studies for various examinations;
- (8) to guide teaching and research work in colleges, University departments, or recognised institutions;
- (9) to institute degrees, diplomas, certificates and other academic distinctions;
- (10) to hold examinations and to confer degrees, diplomas and other academic distinction on persons who –
 - (a) have pursued course of study in the University or in an affiliated college unless exempted therefrom, in the manner prescribed by the Statutes, Ordinances, Regulations or Rules and have passed the examinations prescribed by the University, or
 - (b) have carried on research as per the conditions prescribed by the Ordinances, Regulation or Rules;
- (11) to confer honorary degrees or other academic distinctions in the manner laid down by the Statutes;
- (12) to grant such diplomas and to provide for such lectures, instruction and training for persons who are not enrolled students of the University, as may be prescribed by the Statutes, Ordinances, Regulations or Rules;

- (13) to admit educational institutions to the privileges of the University and to withdraw such privileges;
- (14) to inspect colleges and recognised institutions and to take measures to ensure that proper standards of instruction, teaching and training are maintained and adequate library, laboratory and facilities for skill formation and enhancement are made therein;
- (15) to control and co-ordinate the activities of affiliated colleges, institutions and recognised institutions and to regulate the fees to be paid by the students in such colleges and recognised institutions;
- (16) to institute and award fellowships, travelling fellowships, scholarships, bursaries, studentships, exhibitions, medals, and prizes;
- (17) to make special provisions for the spread of University education among classes and communities which are educationally backward;
- (18) to make special provisions for disseminating knowledge and promoting arts and culture;
- (19) to fix, demand and receive or recover such fees and other charges as may be prescribed by the Ordinances;
- (20) to establish, maintain and manage hostels by the University, and to recognise such hostels which are not maintained by the University. Such hostels may be inspected by the University and recognition may be withdrawn, if University deems it fit and proper;
- (21) to supervise, regulate and control the conduct and discipline of the students of the University, the affiliated colleges and the recognised institutions and to make arrangements for promoting their health and general welfare;
- (22) to institute and manage-
 - (a) Printing and Publication Department;
 - (b) University Extension Boards;
 - (c) Information Bureau; and
 - (d) Employment Bureau;
- (23) to make provisions-
 - (a) for Physical Education, National Social Service, Chief Minister Shramdan Yojana, National Cadet Corps, etc.;
 - (b) for sports and athletic activities;
 - (c) for compliance of other academic, extra-curricular and co-curricular activities;
 - (d) to make necessary arrangements for obtaining accreditation from the National Assessment and Accreditation Council (NAAC), Academic and Administrative Audit (AAA), (National Board of Assessment) (NBA) or any other statutory accreditation agency constituted by the Central or the State Government, as the case may be;
 - (e) to comply with the directives/instructions of the State Government to the affiliated colleges and recognised institutions and the University from time to time;

- (24) to co-operate with other Universities and authorities in such manner and for such purposes as the University may determine;
- (25) to promote the development of the study of Gujarati and Hindi (in Devnagari script) and the use of Gujarati and Hindi (in Devnagari Script) or both or English as a medium of instruction in education and examination;
- (26) to make arrangements for training for competitive examinations for recruitment to the services under the Union and the State Government;
- (27) to accept, hold and manage any endowments, donations or funds which vest in it for the purposes of the University by grant, testamentary disposition or otherwise, and to invest such endowments, donations or funds in accordance with the provisions of this Act:

Provided that no donation from a foreign country, foreign foundation or any person in such country, foundation shall be accepted by the University save with the approval of the Central Government or the State Government, as the case may be;

- (28) to borrow money from the Central Government, any State Government or from any individual, association or body corporate:

Provided that power to borrow moneys shall be exercised after obtaining previous approval of the State Government;

- (29) to do all such acts and things whether incidental to the powers and functions as, aforesaid or not, as may be required in furtherance of the objects of the University and generally to cultivate and promote arts, science and other branches of learning and culture.

7. (1) No educational institution within the University area shall, save with the sanction of the State Government and the University, be associated in any way with, or seek admission to any privileges of, any other University established by law. **Jurisdiction and admission to privileges.**

(2) Any such privileges enjoyed from the Gujarat University before the date on which this Act comes into force, by any educational institution situate within the University area shall be deemed to be withdrawn with effect from such date.

(3) With effect on and from such date, all educational institutions admitted to the privileges of the Gujarat University and situated within the University area shall be deemed to be admitted to the privileges of the University, and such institutions shall, on and from such date cease to be associated with and to enjoy the privileges of the Gujarat University and the Gujarat University Act, 1949 shall thereupon cease to apply to them. The University shall, as far as may be possible and consistent with this Act, admit such institutions to all such privileges as they had of the Gujarat University immediately before such date.

(4) Any educational institution, situated outside the University Area, but within the State of Gujarat, may be admitted to the privileges of the University subject to prior permission of the State Government and subject to such conditions and restrictions as the University may think fit and proper.

(5) The State Government may, by notification in the *Official Gazette*, direct that this Act shall cease to apply to any area included in the University area and on such date as may be specified in the notification; and on and from the said date all the educational institutions situate within the said area shall cease to be associated with and to enjoy the privileges of the University.

University open
to all
irrespective of
sex, religion
class, creed or
opinion.

8. (1) No person shall be excluded from any office of the University or from membership of any of its authorities or from admission to any degree, diploma or other academic distinction or courses of study on the sole ground of sex, race, creed, caste, class, place of birth, religious belief or political or other opinion:

Provided that the University may, subject to the previous sanction of the State Government, maintain, affiliate or recognise any college or institution exclusively for women, or reserved for women or for socially and educationally backward classes of citizens or for members of the Scheduled Castes or Scheduled Tribes, seats for the purposes of admission as students in any institution maintained by the University.

(2) It shall not be lawful for the University to impose on any person any test whatsoever relating to sex, race, creed, caste, class, place of birth, religious belief or profession or political or other opinion in order to entitle him to be admitted as a teacher or a student or to hold any office or post in the University or to qualify for any degree, diploma or other academic distinction or to enjoy or exercise any privileges of the University or benefaction thereof.

Power of State
Government to
give directions,
order
assessment, and
order inquiry.

9. (1) The State Government shall have power to issue directions from time to time as may be required for compliance of any of the provisions made by or under this Act.

(2) If the State Government has convincing grounds to believe that the teaching standards, examinations, research or administration has deteriorated substantially and is not of acceptable level, it may cause an assessment of the same by a committee of independent professional experts in the area. The State Government shall communicate the finding of the committee and direct the University to take corrective measures as per the recommendations in the best interest of the academic work and standards. If the University is in gross violations of certain accepted academic standards of educational institutions, the State Government shall give directions for compliance within reasonable time.

(3) If the State Government has serious grounds or *prima facie* case to believe that the University has contravened any of the vital provisions of this Act, Statutes, Regulations or there is a situation of financial mismanagement or gross mal-administration in the University management, the State Government shall issue a notice directing to give reply within forty-five days as to why an inquiry should not be ordered. If the reply of the University to the notice is not satisfactory, the State Government may order an inquiry.

V of 1908. (4) The inquiry officer or the committee as such appointed by the State Government shall have the same powers as vested in a Civil Court under the Code of Civil Procedure, 1908 in the matters such as summoning persons for evidence, and production of documents and record from any office, etc.

(5) The report of the inquiry shall also be given to the University to present its case before the State Government. However, on consideration of the presentation of the University and the corrective steps proposed by it, still if the State Government is of the opinion that continuation of the existing University administration will gravely harm to the interests of the students, staff and the objectives of the University, or there is a gross financial mismanagement and serious mal-administration, the State Government may take appropriate steps as it may deem fit and proper.

CHAPTER III OFFICERS OF UNIVERSITY

10. The following shall be the officers of the University, namely:-

Officers of
University.

- (i) the Vice-Chancellor;
- (ii) the Pro-Vice-Chancellor;
- (iii) the Deans of Faculties;
- (iv) the Registrar;
- (v) the Law Officer;
- (vi) the Finance and Accounts Officer;
- (vii) the Controller of Examinations;
- (viii) such other officers in the service of the University as may be declared by the Statutes to be the officers of the University.

11. No person shall be appointed, nominated or, as the case may be, co-opted,-

Eligibility of
age limit in
various
authorities
and offices.

- (i) as an officer referred to in clauses (iii), (iv), (v), (vi), (vii) and (viii) of section 10;
- (ii) on the post of teacher; or
- (iii) as a member of any of the authorities of the University, any committee or any other board or body thereof, after he attains the age of 62 years:

Provided that nothing in this section shall apply to the Chairperson or a member of any of the authorities of the University committee or any other board or body thereof, who is the Chairperson or member by virtue of his office as the Vice-Chancellor or the Pro-Vice-Chancellor:

Provided further that nothing in this section shall apply to the visiting teachers, Emeritus Professors, Consultants, Scholars, Mentors or Advisors.

Vice-Chancellor.

12. (1) The Vice-Chancellor shall be appointed by the State Government.

(2) To be eligible for being appointed as the Vice-Chancellor, a person shall be,-

- (i) an eminent academician having Ph. D. Degree with a minimum of ten years of experience as a professor, or;
- (ii) a distinguished academician having Ph. D. Degree with a minimum of twelve years of academic/educational administrative experience in a University, reputed academic or administrative or research institution or organisation.

(3) The Vice-Chancellor shall be appointed by the State Government from among three persons recommended by a Search Committee constituted for the purpose under sub-section (4).

(4) For the purpose of sub-section (3), the State Government shall constitute a Search Committee which shall consist of the following members, namely:-

- (i) two members (not being persons connected with the University or with any affiliated college, recognised institution or institution) out of whom one shall be a person nominated in the manner prescribed by the Statutes by the Executive Council and the Academic Council jointly; and the other shall be a person nominated in the manner prescribed by the Statutes by the Vice-Chancellors of all the State Universities established by law in the State of Gujarat;
- (ii) one member, who is an eminent educationist and has contributed to the University education system, to be nominated by the State Government.

(5) The State Government shall designate one of the three members of the Committee as its Chairperson.

(6) The Committee so appointed shall, within maximum eight weeks and in such manner as may be prescribed by the Statutes, select three persons whom it considers fit for being appointed as the Vice-Chancellor and shall recommend to the State Government the names of the persons so selected together with such other particulars as may be prescribed by the Statutes.

(7) The Vice-Chancellor shall hold office for a term of three years and shall be eligible for being re-appointed to that office for one more term only:

Provided that no person appointed as the Vice-Chancellor shall continue to hold his office as such after he attains the age of seventy years.

(8) The emoluments to be paid to the Vice-Chancellor, and the terms and conditions subject to which he shall hold office, shall be such as may be determined by the State Government:

Provided that such emoluments and terms and conditions shall not, during the currency of the term of the holder of that office, be varied to his disadvantage without his consent.

(9) (a) During the leave or absence of the Vice-Chancellor or,

(b) in the event of a permanent vacancy in the office of the Vice-Chancellor, until an appointment is made under sub-section (1) to that office, the Pro-Vice-Chancellor or, in his absence, one of the Deans nominated by the State Government for that purpose shall carry on the current duties of the office of the Vice-Chancellor.

(10) The Vice-Chancellor may, by writing under his signature addressed to the State Government, after giving one month's notice, resign from his office and such resignation shall take effect from the date of acceptance of resignation by the State Government.

(11) The Vice-Chancellor may be removed from his office by the State Government, if it is satisfied that the incumbent,-

- (a) has become insane and stands so declared by a competent court;
- (b) has been convicted by a court for any offence involving moral turpitude;
- (c) has become an insolvent and stands so declared by a competent court;
- (d) has been physically unfit and incapable of discharging functions due to protracted illness or physical disability;
- (e) has wilfully omitted or refused to carry out the provisions of this Act or has committed breach of any of the terms and conditions of the service as determined by the State Government or has abused the powers vested in him or if the continuation of the Vice-Chancellor in the office is detrimental to the interest of the University:

Provided that the Vice-Chancellor shall not be removed from his office unless an opportunity of being heard is afforded to him.

13. (1) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall preside at the meetings of the Board of Governors. He shall be an *ex-officio* Chairperson of the Executive

Powers of
Vice-
Chancellor.

Council, Academic Council, Finance Committee and Building and Estate Committee. He shall be entitled to be present with the right to speak, at any meeting of any other authority or body of the University, but shall not be entitled to vote thereat unless he is a member of that authority or body.

(2) The Vice-Chancellor shall have power to convene meetings of the Executive Council, the Academic Council and the Finance Committee and such other authorities of the University of which he is the Chairperson. He may delegate this power to any other officer of the University.

(3) It shall be the duty of the Vice-Chancellor to ensure that the provisions of the Act, the Statutes, Ordinances, Regulations and rules are faithfully observed and he shall have all the powers necessary for this purpose.

(4) (a) The Vice-Chancellor shall nominate members on any of the authorities as required under this Act.

(b) (i) All powers relating to the maintenance of discipline and disciplinary action in relation to the students of the University and the University as a whole shall vest in the Vice-Chancellor.

(ii) The Vice-Chancellor may delegate all or any of his powers referred to in clause (i), as he deems proper, to the Pro-Vice-Chancellor and to such other officers as he may specify in this behalf.

(5) (a) In any emergency which, in the opinion of the Vice-Chancellor, requires that immediate action should be taken, he shall take such action as he deems necessary and shall at the earliest opportunity thereafter furnish information regarding action taken by him with the reasons he has considered as emergent, to such officer, authority or body as would have in the ordinary course have dealt with the matter.

(b) When action taken by the Vice-Chancellor under this sub-section affects any person in the service, such person shall be entitled to prefer an appeal to the Executive Council, within a period of thirty days from the date on which notice of such action is communicated to him.

(6) The Vice-Chancellor shall give effect to the orders of the Board and the Executive Council regarding appointment, dismissal, suspension and punishment of the persons in the service of the University or of the teachers of the University or regarding the recognition or withdrawal of the recognition of any such teacher and shall exercise general control over the affairs of the University.

(7) (a) Subject to the provisions contained in sub-section (4) and notwithstanding anything contained in sub-section (5), where the Vice-Chancellor after making such inquiry as he deems fit and is of

opinion that the implementation of any order or a resolution of an authority specified in or declared under section 20, or the doing of anything which is about to be done or is being done by or on behalf of the University,-

- (i) is inconsistent with the provisions of this Act or of any Statute, Ordinance, Regulation or rule, or
- (ii) is not in the interest of the University, or
- (iii) is likely to lead to breach of peace, or
- (iv) is inconsistent with the guidelines, directives of the University Grants Commission, the State Government or Professional Regulatory bodies, as the case may be,

he may forward a copy of the order or resolution or, as the case may be, refer the doing of the thing, with a statement of reasons, to the authority which made the order or passed the resolution or proposes to do the thing for reconsideration by that authority as to why the said order or resolution may not be rescinded or revised or modified in the manner stated by him or the doing of the thing be refrained from.

- (b) Where the authority after reconsideration revises or modifies the order or resolution in the manner stated by the Vice-Chancellor, then notwithstanding anything contained in clause (a), such revised or modified order or resolution shall revive from the date of such revision or modification.
- (c) Where the authority revises or modifies the order or resolution in such manner as is inconsistent with the manner stated by the Vice-Chancellor, he shall refer the matter to the State Government for its decision.
- (d) The State Government may, on such reference being made, revise or modify the order or resolution or direct that the order or resolution shall continue to be in force with or without modification permanently or for such period as it may specify:

Provided that the order or resolution shall not be revised or modified or continued by the State Government without giving the concerned authority a reasonable opportunity of showing the cause against such order or resolution.

- (e) The order, resolution or, as the case may be, the doing of thing, shall remain in abeyance from the date of the action of the Vice-Chancellor of forwarding the copy of order or resolution or of making reference under clause (a) till the date of the order of the State Government under clause (d).

- (f) In case where the authority modifies or revises its order or resolution under clause (b) or where the State Government revises or modifies the order or resolution under clause (d), any action, if taken prior to forwarding a copy of the order or resolution or making a reference with regard to doing of the thing by the Vice-Chancellor under clause (a) to the concerned Authority, shall be treated as *ab-initio* void.

(8) The Vice-Chancellor shall exercise such other powers and perform such other functions as may be prescribed by the Statutes, Ordinances or Regulations.

Pro-Vice-Chancellor. 14. (1) The Pro-Vice-Chancellor shall be appointed by the State Government from the panel of three persons recommended by the Vice-Chancellor.

(2) No person appointed as the Pro-Vice-Chancellor shall continue to hold his office as such after he attains the age of sixty-five years.

(3) The term of the office of the Pro-Vice-Chancellor shall be three years.

(4) The Pro-Vice-Chancellor shall be a whole-time salaried officer of the University and his emoluments and terms and conditions of service shall be such as may be determined by the State Government:

Provided that the emoluments and terms and conditions of service of the holder of such office shall not during currency of the term of the holding of that office, be varied to his disadvantage without his consent.

(5) The Pro-Vice-Chancellor shall be the principal inspecting officer of the University and shall exercise such powers and perform such duties, which are specially or generally conferred or imposed on him by the Vice-Chancellor and as prescribed by the relevant Statutes.

(6) The Pro-Vice-Chancellor shall, in the absence of the Vice-Chancellor or in the event of being unable to perform the duties of his office, exercise all the rights and powers, and discharge all the functions and duties of the Vice-Chancellor.

(7) The Pro Vice-Chancellor shall preside,-

(a) in absence of the Vice-Chancellor, at the meetings of the Board;
and

(b) in absence of the Vice-Chancellor at the meetings of any other authority of the University or a committee thereof.

(8) The Pro-Vice-Chancellor may, by writing under his signature addressed to the State Government, after giving one month's notice, resign from his office and such resignation shall take effect from the date of the acceptance of resignation by the State Government.

15. (1) There shall be a Dean of each faculty who shall be elected from amongst the concerned faculty members of the University in the manner as may be prescribed by the relevant Statutes. Dean of Faculty.

(2) The Dean shall assist the Vice-Chancellor and the Pro-Vice-Chancellor in managing the academic and other allied affairs of the University as entrusted to him by the Vice-Chancellor.

(3) The Dean shall hold office for a term of three years.

(4) The Dean shall be the principal executive authority of the Faculty and shall exercise the following powers and perform the following functions, namely:-

- (i) he shall be the Chairperson of the Faculty concerned and shall preside at its meetings of the Faculty;
- (ii) he shall attend the meeting of any Board of Studies in the Faculty;
- (iii) he shall supervise and co-ordinate the work of the different Boards of Studies under the Faculty;
- (iv) he shall plan and organise seminars, refresher courses, and work-shops, pertaining to the subjects under the Faculty;
- (v) he shall inspect and guide the University Departments, affiliated colleges, recognised institutions and institutions in respect of subjects under the Faculty;
- (vi) he shall be responsible for the due observance of the Statutes, Ordinances and Regulations relating to the Faculty;
- (vii) he shall recommend to the Executive Council for approval of the proposals for the programmes of visiting teachers and for the exchange of teachers;
- (viii) he shall exercise such other powers and perform such other functions as may be prescribed under the relevant Statutes.

16. The Registrar shall be a whole time salaried officer of the University and shall act as the Secretary of the Board, the Executive Council and the Academic Council. He shall be appointed by the University with the prior approval of the State Government and his emoluments and terms and conditions of service shall be determined by the Statutes. He shall be responsible for the due custody of records, the common seal and such other properties and assets of the University as the Executive Council shall commit to his charge. He shall exercise such other powers and perform such other duties as may be prescribed by the Statutes or the Ordinances. Registrar.

17. (1) The Law Officer shall be appointed by the University. He shall be in-charge in respect of all the legal matters for and against the University. Law Officer.

(2) The qualifications, experience, powers, functions and duties of the Law Officer shall be such as may be prescribed by the Statutes.

Finance and
Accounts
Officer.

18. (1) The Finance and Accounts Officer shall be appointed by the State Government on deputation. He shall exercise such powers and perform such duties as may be prescribed by the Statutes.

(2) The qualifications, terms and conditions of service and the tenure of the Finance and Accounts Officer shall be such as may be determined by the State Government.

(3) When the office of the Finance and Accounts Officer is vacant or when the Finance and Accounts Officer is, by reasons of illness, absence or any other cause, unable to perform the duties of his office, the same shall be performed by such other officer as the Vice-Chancellor may appoint for the purpose.

(4) The Finance and Accounts Officer shall,-

- (i) exercise general supervision over the funds of the University and shall advise as regards its financial policy; and
- (ii) perform such other financial functions as may be prescribed by the Statutes; and also has assigned by the Vice-Chancellor.

Controller of
Examinations.

19. (1) The Controller of Examinations shall be a whole time salaried officer of the University. He shall be appointed by the University with the prior approval of the State Government.

(2) The qualifications, terms and conditions of service and the tenure of the Controller of Examination shall be such as may be prescribed by the Statutes.

CHAPTER IV AUTHORITIES OF UNIVERSITY

Authorities
of
University.

20. The following shall be the authorities of the University, namely:-

- (i) the Board of Governors;
- (ii) the Executive Council;
- (iii) the Academic Council;
- (iv) the Finance Committee;
- (v) the Buildings and Estate Committee;
- (vi) the Faculties;
- (vii) the Board of University Teaching and Research;
- (viii) the Boards of Studies;
- (ix) such other boards and bodies of the University as may be declared by the Statutes, to be the authorities of the University.

21. (1) The Board of Governors shall consist of the following members, namely:- **Board of Governors.**

I. Ex-Officio Members

- (i) the Vice-Chancellor, *ex-officio* Chairperson;
- (ii) the Pro-Vice-Chancellor, *ex-officio* Vice-Chairperson;
- (iii) the Secretary to the Government of Gujarat, Education Department or his nominee not below the rank of Deputy Secretary;
- (iv) the Secretary to the Government of Gujarat, Finance Department or his nominee not below the rank of Deputy Secretary;
- (v) the Secretary to the Government of Gujarat, Health and Family Welfare Department or his nominee not below the rank of Deputy Secretary;
- (vi) the Secretary to the Government of Gujarat, Legislative and Parliamentary Affairs Department or his nominee not below the rank of Deputy Secretary;
- (vii) the Commissioner of Higher Education, Gujarat State, or his nominee not below the rank of Joint Director;
- (viii) the Commissioner of Technical Education, Gujarat State, or his nominee not below the rank of Joint Director;
- (ix) the Commissioner of Health and Medical Services, and Medical Education, Gujarat State, or his nominee not below the rank of Joint Director.

II. Ordinary Members

- (i) three Head of the Departments, to be nominated by the Vice-Chancellor taking into consideration the overall seniority and by rotation;
- (ii) two Principals of affiliated colleges of each District, to be nominated by the Vice-Chancellor taking into consideration the overall seniority and by rotation;
- (iii) one University teacher, to be nominated by the Vice-Chancellor from amongst themselves taking into consideration the overall seniority and by rotation;
- (iv) four teachers of the affiliated colleges, to be nominated by the Vice-Chancellor taking into consideration the overall seniority and by rotation;
- (v) five registered graduates from Faculties of Arts, Science, Commerce, Professional and all others, one from each faculty in the manner as prescribed by the Statutes, to be nominated by the Vice-Chancellor for the term of one year;
- (vi) one member of any municipal corporation, to be nominated by the State Government from the University area;
- (vii) one member of any municipality, to be nominated by the State Government from the University area;
- (viii) one member of any district panchayat, to be nominated by the State Government from the University area;

- (ix) three members of the State Legislative Assembly, to be nominated by the State Government from the University area;
- (x) four distinguished persons, to be nominated by the State Government from amongst the educationists, social workers, representatives of backward communities, women and such other classes of persons;

(xi) one donor, to be nominated by the State Government.

(2) At least thirty-three per cent. of the members, to be nominated under the category of the ordinary members shall be women.

(3) The term of members, other than *ex-officio* members shall be three years, except for the members under registered graduates category.

Meetings
of
Board of
Governors.

22. (1) The Board shall meet on such date as may be fixed by the Vice-Chancellor, once in a year at a meeting to be called the annual general meeting of the Board.

(2) The Vice-Chancellor may, whenever, and shall, upon a requisition in writing by not less than one-third of the total members of the Board convene a special meeting of the Board of Governors.

(3) The Board shall meet at least two times during a calendar year generally.

(4) The quorum shall not be less than one-third of the total number of members of the Board (any fraction contained in that one-third being rounded of as one).

(5) A written notice of every meeting together with agenda shall be circulated by the Registrar, to the members of the Board at least not less than fifteen clear days invariably before the date of the meeting. The Vice-Chancellor may permit inclusion of any item for which due notice could not be given in the meeting.

(6) The Chairperson, if present shall preside over the meetings of the Board and in his absence, the Pro-Vice-Chancellor shall preside at the meeting.

(7) The ruling of the Chairperson on about any question of procedure shall be final.

(8) In case of difference of opinion amongst the members, the opinion of the Vice-Chancellor shall prevail.

(9) Each member of the Board, including the Chairperson shall have one vote and if there is a tie, viz. a deadlock, equality of votes on any question to be determined by the Board, the Chairperson of the Board shall have a casting vote.

(10) The minutes of the proceedings of a meeting of the Board shall be drawn up by the Registrar with the approval of the Chairperson of the

Board and circulated invariably within twenty days to all the members of the Board. The minutes, along with amendments, if any suggested, shall be placed for confirmation at the next meeting of the Board. After the minutes are confirmed and signed by the Chairperson of the Board, they shall be recorded in the minute book which shall be kept open for inspection by the members of the Board.

23. Subjects to the other provisions of this Act, the Board shall exercise the following powers and perform the following duties, namely:-

Powers and duties of Board of Governors.

- (i) to take policy decisions regarding planning, development, management and other related matters for good governance of the University and to issue directions for proper implementation of the same;
- (ii) to institute Professorships, Associate Professorships, Assistant Professorships and other posts of teachers as may be required by the University;
- (iii) to make, amend or repeal the Statutes;
- (iv) to consider any proposal or issue raised by the Chairperson;
- (v) to approve, cancel or refer back the Ordinances to the Executive Council but shall not amend the same;
- (vi) to consider and pass resolutions on the annual reports, annual accounts and financial estimates;
- (vii) to consider the annual financial estimates prepared by the Executive Council and pass resolutions with reference thereto;
- (viii) to exercise such other powers and perform such other duties as may be conferred or imposed upon it by or under this Act and all such other powers for achieving the objects of the University.

24. (1) The Executive Council shall be the executive authority of the University and shall consist of the following members, namely:-

Executive Council.

I. Ex-Officio Members

- (i) the Vice-Chancellor, *ex-officio* Chairperson;
- (ii) the Pro-Vice-Chancellor, *ex-officio* Vice-Chairperson;
- (iii) the Commissioner of Higher Education, Gujarat State or his nominee not below the rank of Joint Director;
- (iv) the Commissioner of Technical Education, Gujarat State or his nominee not below the rank of Joint Director;
- (v) the Commissioner of Health and Medical Services and Medical Education, Gujarat State or his nominee not below the rank of Joint Director.

II. Ordinary Members

- (i) three Heads of University Departments, to be nominated by the Vice-Chancellor taking into consideration the overall seniority and by rotation;

- (ii) four Principals of affiliated colleges, to be nominated by the Vice-Chancellor taking into consideration the overall seniority and by rotation;
- (iii) two Teachers, to be nominated from amongst University teachers, other than Heads of the Department, by the Vice Chancellor taking into consideration the overall seniority and by rotation;
- (iv) four teachers of affiliated colleges, to be nominated by the Vice-Chancellor taking into consideration the overall seniority and by rotation;
- (v) four Distinguished persons, to be nominated by the State Government from amongst the educationists, social workers, public administrators, representatives of backward communities, women and such other classes of persons.

(2) At least thirty-three per cent. of the members, to be nominated under the category of the ordinary members shall be women.

Powers and
duties of
Executive
Council.

25. (1) Subject to such conditions as may be prescribed by or under this Act, the Executive Council shall exercise the following powers and perform the following duties, namely:-

- (i) to hold, control and administer the property and funds of the University;
- (ii) to enter into, vary, carry out and cancel contract on behalf of the University in the exercise or performance of the powers and duties assigned to it by this Act and the Statutes, in consultation with the Finance Committee, Buildings and Estate Committee or if there is a Legal Committee, with it;
- (iii) to determine the Form and provide for the custody and regulate the use of the common seal of the University;
- (iv) to administer funds placed at the disposal of the University for specific purposes;
- (v) to prepare the annual financial estimates of the University and to submit them to the Board;
- (vi) to sanction the transfer of any amount within the budget grant from one minor head to another or from subordinate head under the minor head to a subordinate head under another minor head;
- (vii) to sanction the transfer of any amount within a minor head from one subordinate head to another or from one primary unit to another;
- (viii) to make provisions for buildings, premises, furniture, apparatus and other means needed for carrying on the work of the University;
- (ix) to accept on behalf of the University, bequests, donations and transfer of any movable or immovable property to the University;
- (x) to transfer any movable or immovable property on behalf of the University;
- (xi) to raise loans on the security of the assets of the University;

- (xii) to manage and regulate finances, accounts and investments of the University;
- (xiii) to institute and manage -
 - (a) Printing and publication Department,
 - (b) University Extension Boards,
 - (c) Information Bureau, and
 - (d) Employment Bureau;
- (xiv) to make provisions for Physical Education, National Social Service, National Cadet Corps, Chief Minister Shramdan Yojana;
- (xv) to manage colleges, University Departments, institution of research or specialised studies, laboratories, libraries and hostel maintained by the University;
- (xvi) to arrange for, and direct, the inspection of affiliated colleges, recognised institution, and hostels and to issue instructions for maintaining their efficiency and/or ensuring proper conditions of employment for members of their staff, and in case of disregard of such instructions, to modify the conditions of their affiliation or recognition or take such other steps as it deems proper;
- (xvii) to call for reports, returns and other information from colleges, recognised institution or hostels;
- (xviii) to supervise and control the residence, conduct and discipline of the students of the affiliated colleges, University Departments, recognised institutions and to make arrangements for promoting their health and general welfare;
- (xix) to recommend to the Board, for conferment of honorary degrees and academic distinction in the manner prescribed by the Statutes;
- (xx) to award fellowships, travelling fellowships, studentships, exhibitions, medals and prizes;
- (xxi) to make recommendations for appointments of teachers and employees of the University, to fix their emoluments and define their duties and terms and conditions of their services including disciplinary matters, to the State Government, after consultation with the Board;
- (xxii) to recognise a member of the staff of an affiliated college or recognised institution or institution as a Professor, Associate Professor and Assistant Professor or teacher of the University and withdrawal of such recognition;
- (xxiii) to fix remuneration of examiners and to arrange for conduct and for publishing the result of the University examinations and other tests;
- (xxiv) to fix, demand and receive such fees and other charges as may be prescribed by the Ordinances;
- (xxv) to make, amend and cancel the Ordinances ;
- (xxvi) to exercise such other powers and perform such other duties as may be conferred by the Board or imposed upon by or under this Act;

(xxvii) to exercise all the powers of the University not provided for in this Act or the Statutes and all other powers which are requisite to give effect to the provisions of this Act or the Statutes.

(2) The Executive Council shall make a report to the Board about all acceptances of property and matters referred to in clauses (ix), (x) and (xi) of sub-section (1).

(3) The Executive Council shall not transfer any immovable property without the previous sanction of the Board and the State Government.

(4) The exercise of the powers by the Executive Council under clause (xxi) of sub-section (1), in so far as they relate to the laying down and regulating salary scales and allowances of officers (other than the Vice-Chancellor and the Pro-Vice-Chancellor) and members of the teaching, other academic and non-teaching staff of the University, affiliated colleges and recognised institutions shall be subject to the approval of the State Government.

(5) The Executive Council may by Ordinances appoint committee or committees to carry out its administrative work and define its constitution, functions and tenure.

Academic
Council.

26. (1) The Academic Council shall be the academic body of the University and shall consist of the following members, namely:-

- (i) the Vice-Chancellor, *ex-officio* Chairperson;
- (ii) the Pro-Vice-Chancellor;
- (iii) the Deans of Faculties;
- (iv) not more than six faculties, excluding the Deans of Faculties to be nominated by the Vice-Chancellor.

(2) The term of office of the members of the Academic Council other than the *ex-officio* members shall be three years:

Provided that a member specified in clauses (iii) and (iv) of sub-section (1) shall cease to hold his office as such member, if he ceases to be a Dean of a Faculty or, as the case may be, a member of the respective Faculty.

Powers and
duties of
Academic
Council.

27. (1) The Academic Council shall have the control and general regulation of, and be responsible for, the maintenance of the standards of teaching and examinations of the University. The decisions of Academic Council in so far as the academic matters are concerned, shall be final and be implemented forthwith.

(2) Without prejudice to the generality of the foregoing provision and subject to such conditions as may be prescribed by or under the provisions of this Act, the Academic Council shall exercise the following powers and perform the following duties, namely:-

- (i) to approve Regulations made by the Faculty concerned laying down courses of studies;
- (ii) to approve Regulations made by the Faculty concerned, regarding the special courses of studies;

- (iii) to arrange for co-ordination of studies and teaching in affiliated colleges and recognised institutions;
- (iv) to promote research within the University;
- (v) to approve proposals for allocating subjects to Faculties;
- (vi) to make proposals to the Board for the establishment of University Departments, institutes of research and specialised studies, libraries and laboratories as well as centres for skill development and enhancement;
- (vii) to approve and recommend to the Executive Council proposals for the institution of Professorships, Associate Professorships, Assistant Professorships and any other posts of teachers as may be required by the University and for prescribing the duties and fixing the emolument of such posts;
- (viii) to approve and recommend to the Board, the proposals for the institution of fellowships, travelling fellowships, scholarships, bursaries, studentships, exhibitions, medals and prizes;
- (ix) to approve regulations regarding the examinations of the University and the conditions on which students shall be admitted to such examinations;
- (x) to make and approve Regulations prescribing the equivalence of examinations;
- (xi) to approve regulations prescribing the manner for granting exemption from courses of studies in the University or in affiliated colleges for qualifying for degrees, diplomas and other academic distinctions;
- (xii) to grant inter-disciplinary courses and take all measures to improve Choice Based Credit System (CBCS);
- (xiii) generally, to advise the University on all academic matters;
- (xiv) to exercise such other powers and perform such other duties as may be conferred or, imposed on it by and under this Act.

28. (1) The Finance Committee shall consist of the following members, namely:-

Finance
Committee.

- (i) the Vice-Chancellor, *ex-officio* Chairperson;
- (ii) the Pro-Vice-Chancellor, *ex-officio* Vice-Chairperson;
- (iii) the Secretary to the Government of Gujarat, Finance Department, *ex-officio* or his nominee not below the rank of Deputy Secretary;
- (iv) one member of the Board, to be nominated by the Board;
- (v) one expert in the field of finance, to be nominated by the Board.

(2) The Finance and Accounts Officer shall be the Secretary of the Finance Committee.

(3) The term of office of the members other than the *ex-officio* members shall be three years.

(4) A nominated member may resign from his office by writing under his hand addressed to the Vice-Chancellor and the resignation shall take effect from the date it is accepted by the Vice-Chancellor.

**Powers and
Duties of
Finance
Committee.**

29. Subject to the other provisions of this Act, the Finance Committee shall exercise the following powers and perform the following duties, namely:-

- (i) to examine the annual accounts and annual estimates of the University and to advise the Board thereon;
- (ii) to review from time to time the financial position of the University;
- (iii) to make recommendations to the Board on all financial policy matters of the University ;
- (iv) to make recommendations to the Board on all proposals involving raising of funds, receipts and expenditure;
- (v) to provide guidelines for investment of surplus funds;
- (vi) to make recommendations to the Board on proposals involving expenditure for which no provision has been made in the budget or for which expenditure in excess of the amount provided in the budget needs to be incurred;
- (vii) to examine proposals relating to the revision of pay-scales, up gradation of the scales and those items which are not included in the budget, and to place the same before the Board;
- (viii) to open accounts in any Scheduled Bank, operate such accounts and to issue instructions to the bank for the operation of such accounts;
- (ix) to operate the University Fund;
- (x) to grant tenders, contracts and other expenditure, projects, and recommend to the Executive Council for final approval; and
- (xi) to exercise such other powers and perform such other duties as may be conferred or imposed upon it by the Regulations.

**Buildings and
Estate
Committee.**

30. (1) The Buildings and Estate Committee shall consist of the following members, namely:-

- (i) the Vice-Chancellor, *ex-officio* Chairperson;
- (ii) the Pro-Vice-Chancellor;
- (iii) the Secretary to the Government of Gujarat, Education Department or his nominee not below the rank of Deputy Secretary;
- (iv) the Secretary to the Government of Gujarat, Roads and Buildings Department or his nominee not below the rank of Deputy Secretary;
- (v) one representative of the Institute of Engineers (India) Gujarat Centre, nominated by the Chairman of the said Institute, from amongst its members;

- (vi) one representative of the Institute of Architects (India) Gujarat Centre, nominated by the Chairman of the said Institute, from amongst its members.
- (2) The University Engineer shall function as the Secretary of the Committee.
- (3) The term of the nominated members of the Committee shall be three years.
- (4) The Committee shall,-
 - (a) be responsible for finalising the plans and estimates of the various building projects and for ensuring the completion of the buildings and for proper utilisation of the grants received from the University Grants Commission (UGC), the State Government or from any agency;
 - (b) be responsible for the maintenance and upkeep of the University buildings;
 - (c) assess the cost of repairs, additions, alteration and demolition of the University buildings annually and prepare the budget for the same to be submitted for approval of the Finance Committee and Executive Council;
 - (d) exercise such powers, as delegated to it by the Executive Council.
- (5) The Committee may constitute one or more sub-committees to oversee the work of any project.

31. (1) The University shall include the Faculties of Arts, Education, Faculty. Sciences, Law, Medicine, Commerce and such other Faculties as may be prescribed by the Statutes.

(2) Each Faculty shall consist of,-

- (i) the Chairperson of the Boards of Studies for the subjects with which the Faculty is concerned; and
- (ii) not more than three members of the Board of Studies as are assigned to the Faculty by the Executive Council.

(3) A teacher in a subject included in more than one Faculties shall, within one month from the date on which he becomes a member of the Board of Studies, select by intimation in writing to the Registrar, any one of such Faculties to which he wishes to be assigned, if he intends to make such selection. The Executive Council shall assign to him any one of such Faculties and the selection or assignment so made shall be irrevocable for the entire term of membership.

(4) All Faculties shall be located at the headquarters of the University:

Provided that in respect of any of such Faculties, the State Government after consulting the University may, by notification in the *Official Gazette*, direct that the Faculty specified in the notification shall be located at such place outside the headquarters of University and thereupon the Faculty shall be located accordingly.

Powers
and duties
of Faculty.

32. (1) The Faculty shall have the general control and power of regulation of, and be responsible for, the maintenance of standards of teaching and duties of the examination of the University for the subjects assigned to the Faculty.

(2) Without prejudice to the generality of the foregoing provision and subject to such conditions as may be prescribed by or under the provisions of this Act, the Faculty shall exercise the following powers and perform the following duties, namely:-

- (i) to make regulations in consultation with the concerned Board of Studies laying down courses of studies;
- (ii) to make regulations regarding the special courses of studies;
- (iii) to make regulations for the standards of passing the relevant examinations in the Faculty and for awarding classes at the examinations;
- (iv) to make proposals for promoting research within the University; and suggest measures to develop research in University, affiliated colleges and recognised institutions ;
- (v) to make proposals for allocating subjects to the Faculty;
- (vi) to make proposals for the establishment of departments, institution of research and specialised studies, libraries, laboratories;
- (vii) to make proposals for the institution of Professorships, Associate Professorships and Assistant Professorships and any other post of teachers as may be required by the University and for prescribing the duties and fixing the emoluments of such posts;
- (viii) to make proposals for the institution of fellowships, travelling fellowships, scholarships, studentships, exhibitions, medals and prizes and other awards and to make regulations for their grant;
- (ix) to make regulations for the maximum workload of teacher, the minimum teaching work for every subject, minimum laboratory

work, research library work, counseling, project work to be done by students for any subject;

- (x) to make regulations prescribing equivalence of examinations;
- (xi) to make regulations prescribing the manner for granting exemption from courses of studies in the University, affiliated colleges or recognised institutions for qualifying for degree, diploma and other distinctions;
- (xii) generally to advise the University on all academic matters pertaining to the concerned courses of studies;
- (xiii) to exercise such other powers and perform such other duties as may be conferred by or imposed upon it, by or under this Act.

33. (1) There shall be a Board of Studies for every subject or group of subjects as may be prescribed by the Statutes.

Board of
Studies.

(2) Subject to the provisions of sub-section (3), each Board of Studies shall consist of,-

- (i) not more than one Head of the University Department, if any, in the subject;
- (ii) not more than three Heads of the Departments, in the special subjects taught at degree level in the affiliated colleges and recognised institutions;
- (iii) not more than three experts in the subject co-opted by the members of the Board of Studies, with the prior approval of the Vice-Chancellor.

(3) Each Board of Studies shall not consist more than seven members. Where the number of members is less than seven, the Vice-Chancellor shall nominate such number of members as may be necessary to make up the deficiency, subject, however, to the condition that the total number of co-opted and nominated members shall not exceed seven.

(4) The membership to the Board of Studies shall be assigned by seniority in the subject, by rotation, and for three years or maximum of two terms.

(5) The Chairperson and members of the Board of Studies shall be nominated by the Vice-Chancellor.

(6) The powers and duties of a Board of Studies shall be as follows, namely:-

- (i) to recommend courses of studies in the subject;
- (ii) to recommend and prescribe where necessary, books for study in the subject;
- (iii) to recommend programmes for extension services and research in the subject;
- (iv) to recommend organization of seminars, refresher courses and workshops to the concerned Dean of the Faculty;
- (v) to recommend programmes for experiments and research in the courses of studies prescribed in the subject including skill based Education with Choice Based Credit System;

- (vi) to recommend schemes for preparation and translation of books in the subject and suggest bibliography of books of study;
- (vii) to frame and propose regulations pertaining to the course of studies and examinations in the subject;
- (viii) to review periodically the terminology current in the subject; and
- (ix) to exercise such other powers and perform such other duties as may be prescribed by the Statutes.

(7) The Board of Studies shall meet at least twice during an academic term as may be determined by the Ordinances.

Constitution,
powers and
duties of other
Boards and
bodies of
University.

34. The constitution, powers and duties of other Boards and Bodies which may be declared to be the authorities of the University under section 20, shall be such as may be prescribed by the Statutes.

CHAPTER V STATUTES, ORDINANCES AND REGULATIONS

Statutes. 35. Subject to such conditions as may be prescribed by or under the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:-

- (i) to confer degrees and conferment of honorary degrees and holding of convocation;
- (ii) powers and duties of the officers of the University;
- (iii) constitution, powers and duties of the authorities of the University save as provided in this Act;
- (iv) to institute and maintain the University departments, institutes of research or specialised studies, post-graduate centre in affiliated colleges and hostels;
- (v) acceptance and management of bequests, donations and endowments;
- (vi) registration of graduates and maintenance of a register of registered graduates;
- (vii) procedure at meetings of the authorities of the University and for the transaction of their business;
- (viii) qualifications of Professors, Associate Professors, Assistant Professors and teachers in affiliated colleges and recognised institutions;
- (ix) all matters which by this Act are to be or may be prescribed by the Statutes.

Making
amendments,
operation
and repeal of
Statutes.

36. (1) The Statutes may be made by the Board or may be amended, repealed or added to by the Board in the manner hereinafter provided.

(2) The Board may take into consideration the draft of a Statutes either of its own motion or on a proposal by the Executive Council.

(3) The Executive Council may propose to the Board draft of any Statutes to be passed by the Board.

(4) The draft of Statutes shall be considered by the Board at its next succeeding meeting. The Board may approve such draft and pass the Statutes or may reject it or return it to the Executive Council for reconsideration either in whole or in part together with any amendment which the Board may suggest. After any draft of Statutes so returned has been further considered by the Executive Council together with any amendment suggested by it, it shall be again presented to the Board with the report of the Executive Council thereon and the Board may then deal with the draft in the manner as it thinks fit and proper.

(5) Where a Statute affects the powers or duties, of an officer, authority or Board of the University-

- (i) the Executive Council shall, before proposing the draft of such Statutes, ascertain and consider the views of the concerned officer, authority or Board concerned; and
- (ii) the Board, before passing any such Statute taken into consideration of its own motion, shall ascertain and consider the views of the officer, authority or Board concerned and the opinion of the Executive Council.

(6) Where the Statutes seek to provide for academic matters, the Board shall, before passing such Statutes, consult the Academic Council.

(7) Every Statute passed by the Board shall be submitted to the State Government which may give or withhold approval thereto or refer it back to the Board for its reconsideration.

(8) No Statute passed by the Board shall have validity until approved by the State Government.

37. Subject to such conditions as may be prescribed by or under the provisions of this Act, the Executive Council may make Ordinances to provide for all or any of the following matters, namely:-

- (i) conditions under which students shall be admitted to the courses of studies for degrees, diplomas and other academic distinctions;
- (ii) conditions governing the appointment and the duties of examiners;
- (iii) conduct of examinations;
- (iv) recognition of teachers of the University;
- (v) conditions of residence, conduct and discipline of students of the University, affiliated colleges and recognised institutions;
- (vi) recognition of hostels;
- (vii) inspection of affiliated colleges, recognised institutions and hostels;
- (viii) rules to be observed and enforced by the affiliated colleges and recognised institutions in respect of transfer of students;

- (ix) to fix the fees to be charged from the students;
- (x) mode of execution of contracts or agreements for, or on behalf of the University;
- (xi) all matters which, by this Act are to be or may be provided for by the Ordinances; and
- (xii) generally all matters for which provision is, in the opinion of the Executive Council, necessary for the exercises of the powers conferred or the performance of the duties imposed upon the Executive Council by this Act or the Statutes.

Making of Ordinances. 38. (1) The Ordinances shall be made by the Executive Council:

Provided that no Ordinance concerning the matters referred to in clauses (i) to (viii) of section 37, or any other matter connected with the maintenance of the standards of teaching and examinations within the University, shall be made unless a draft of the same has been proposed by the Academic Council.

(2) All Ordinances made by the Executive Council shall, except as provided by this Act, have effect from such date as it may direct but every Ordinance so made shall be laid before the Board and shall be considered by the Board at its next succeeding meeting.

(3) The Board shall have power, by a resolution, to cancel or to refer back, but not to amend any such Ordinance. The resolution cancelling any such Ordinance shall be passed by a majority of not less than two-thirds of the members present at such meeting, the majority comprising not less than one-half of the members of the Board.

(4) The Vice-Chancellor shall, on application of not less than one-third of the members of the Board, suspend the operation of any such Ordinance until the Board has considered it as provided in sub-section (3).

Regulations and Rules.

39. (1) The Academic Council, or as the case may be the Faculty, may, subject to the approval of the Academic Council, make regulations, consistent with this Act, the Statutes and the Ordinances providing for all matters which by this Act, the Statutes or the Ordinances are to be provided for, by Regulations and for all other matters solely concerning itself.

(2) Any authority of the University specified in clauses (iv) to (ix) of section 20 may, subject to the approval of the Executive Council, make rules, consistent with this Act, the Statutes, Ordinances and Regulations providing for all matters solely concerning such authority.

(3) All Regulations made by the Academic Council or any Faculty and all rules made by any authority or other Boards shall have effect from such date as the authority making the Regulations or rules, may direct:

Provided that a Regulation or rule which involves expenditure from the University Fund shall not be effective until it is approved by the Executive Council.

CHAPTER VI

AFFILIATION, RECOGNITION AND ACCREDITATION

40. (1) A college applying for affiliation to the University shall send an application to the Registrar, and shall satisfy the Executive Council and the Academic Council,-

- (a) that the college will supply a need in the locality, and the suitability of the locality where the college is to be established;
- (b) that the college shall be under the management of a regularly constituted governing body under registered trust or, as the case may be, registered society;
- (c) that the strength and qualifications of the teaching and non-teaching staff and the conditions governing their tenure of office are such as to make due provision for the course of instruction, teaching or training to be undertaken by the college;
- (d) that the buildings in which the college is to be located are suitable, and provision shall be made in conformity with the Ordinances, for the residence in the college or in lodgings approved by the college, of students not residing with their parents or guardians, and for the supervision and welfare of the students;
- (e) that due provision has been made or shall be made for library;
- (f) that where affiliation is sought in any branch of experimental science, that arrangements have been or shall be made in conformity with the Statutes, Ordinances and Regulations for imparting instruction in that branch of science in a properly equipped laboratory;
- (g) that the financial resources of the college are such as to make due provisions for its continued maintenance and efficient working.

(2) The application shall contain an undertaking that after the college is affiliated, any transfer of management and all changes in the teaching staff and all other changes which result in any of the aforesaid requirements not being fulfilled or continued to be fulfilled shall be forthwith reported to the Executive Council.

(3) On receipt of an application under sub-section (1), the Executive Council shall-

- (a) direct local inquiry to be made by a competent person or persons authorized by the Executive Council in this behalf in respect of the matters referred to in sub-section (1) and such other matters as may be deemed necessary and relevant;
- (b) make such further inquiry as may appear to it to be necessary;
- (c) give due consideration to the request, if any, made by the applicant for reconsideration of any of the conditions conveyed to him;
- (d) record its opinion after consulting the Academic Council on the question whether the application should be granted or refused either in whole or in part, stating the result of any inquiry made under clauses (a), (b) and (c) of sub-section (3).

(4) The Registrar shall submit the application and all proceedings, if any, of the Academic Council and the Executive Council relating thereto, to the State Government which, after such inquiry as may appear to it to be necessary, shall grant or refuse the application or any part thereof.

(5) Where the application or any part thereof is granted, the order of the State Government shall specify the courses of the instructions in respect of which the college is affiliated, and, where the application or any part thereof is refused the grounds of such refusal shall be stated.

(6) As soon as possible after the State Government makes its order, the Registrar shall submit to the Board a report regarding the application, the action taken thereon under sub-sections (3) to (5) and of all proceedings connected therewith.

(7) An application under sub-section (1) may be withdrawn at any time before an order is made under sub-section (4).

**Addition of
courses of
instruction.**

41. Where a college desires to add to the courses of instruction in respect of which it is affiliated, the procedure prescribed under section 40 shall be followed.

**Withdrawal
of affiliation.**

42. (1) The rights conferred on a college by affiliation may be withdrawn by the Executive Council in whole or in part or may be modified, if the college fails to comply with the provisions of the Statutes or Ordinances governing the affiliation or if the affairs of the college are conducted in a manner which are prejudicial to the interests of education:

Provided that no such affiliation shall be withdrawn unless the college is given an opportunity of being heard.

- (2) If any affiliated college aggrieved by sub-section (1) raises any dispute as to the withdrawal of its rights of affiliation, then such dispute shall be referred to the State Government and the State Government shall decide the dispute and its decision shall be final.

43. (1) Any institution situated within the University area, which conducts specified research or studies may be recognised by the Executive Council in consultation with the Academic Council as a recognised institution for such purpose and in such manner and subject to such conditions, as may be prescribed by the Statutes.

Recognised institution of research and specialised studies and withdrawal thereof.

(2) Any such recognition may be withdrawn either in whole or in part or may be modified in such manner and for such reasons, as may be prescribed by the Statutes.

44. (1) Every affiliated college and recognised institution shall furnish such reports, returns and other information as the Executive Council, after consulting the Academic Council, may require to enable it to judge the efficiency of the college or institution.

Inspection of colleges and reports, etc.

(2) The Executive Council shall cause such college or institution to be inspected from time to time by one or more competent persons authorized by the Executive Council in this behalf.

(3) The Executive Council may call upon any college or institution so inspected to take, within a specified period, such action as may appear to it to be necessary on the basis of the findings and recommendations as a result of inspection as referred to in sub-section (2).

45. The University shall obtain accreditation from the National Council of Assessment Accreditation (NAAC) within five years of its establishment and such other regulating bodies of the Government of India and the Government of Gujarat which are connected with the courses taken up by the University and inform the State Government about the grade provided to the University. The University shall get renewed such accreditation from time to time.

Accreditation of University.

CHAPTER VII POST-GRADUATE TEACHING AND RESEARCH

46. (1) Within the University area, all post-graduate instruction, teaching and training shall be conducted by the University or subject to control of the University by such affiliated colleges or institutions and in such subjects as may be prescribed by the Statutes.

Post-graduate instruction, teaching and training.

(2) For the purpose of organising and co-ordinating the post-graduate instruction, teaching and training in the University area, there shall be constituted a Board to be known as the Board of University Teaching and Research.

(3) All post-graduate departments shall ordinarily be located at the headquarters of the University. However, the University may locate any of such departments at a place or places outside its headquarters.

(4) The University may maintain University Centres at places other than the headquarters of the University on such terms and conditions as may be prescribed by the Statutes.

(5) The Board of University Teaching and Research shall,-

- (i) advise the authorities on all matters connected with the promotion of advanced studies and research in the University;
- (ii) consider and report to the authorities on the institution of research degrees in the University;
- (iii) propose regulations regarding the award of research degrees;
- (iv) appoint supervisors for research studies and to determine the subjects of their thesis;
- (v) recommend panel of names of experts for setting examination papers and examiners for research and examinations after considering the proposals of the Board of Studies in this behalf;
- (vi) perform such other functions as may be prescribed by the Statutes.

CHAPTER VIII CONFERMENT OF DEGREES, DIPLOMAS, ETC.

Conferment
of degrees,
diplomas,
and other
academic
distinctions.

47. (1) The Board may, in consultation with the Academic Council and the Executive Council institute such degrees, diplomas and other academic distinctions as may be prescribed under the relevant Statutes.

(2) Notwithstanding anything contained in any other law for the time being in force, the University shall have power to grant degrees, diplomas, honorary degrees and other academic distinctions in accordance with the provisions of this Act.

(3) The Academic Council shall by an appropriate resolution or resolutions confer upon such persons, such degrees and award such diplomas and other academic distinctions and grant degree certificates as provided by the Statutes, who have passed an examination at different times and have been declared qualified by the University to receive those degrees or diplomas or certificates.

(4) The convocations of the University for the conferment of honorary degree, degrees, diplomas, certificate and academic distinctions shall be held in such manner as may be prescribed by the Statutes.

48. (1) If not less than two-thirds of the members of the Academic Council recommend that an honorary degree or other academic distinction be conferred on any person on the ground that he is in their opinion, by reason of eminent position and attainments, a fit and proper person to receive such degree or other academic distinction and where their recommendation is supported by a majority of not less than two-thirds of the members of the Board present at a meeting of the Board, such majority comprising not less than one-half of the members of the Board, and the recommendation is confirmed by the State Government, the Board may confer on such person the honorary degree or other academic distinction so recommended without requiring him to undergo any examination.

Honorary degree.

(2) Not more than two persons shall be conferred with such academic distinction of honorary degree during an academic year, by the University.

(3) The Academic Council may, by a special resolution passed by a majority of not less than two-thirds of the members present and voting, recommend to the State Government after consultation with the Vice-Chancellor to withdraw an honorary degree granted to any person by the University for good and sufficient cause:

Provided that no such resolution shall be passed until a notice in writing has been given to that person calling upon him to show cause within such time as may be specified in the notice as to why such a resolution should not be passed and until objections, if any, and any evidence he may produce in support of them, have been considered by the Academic Council.

49. (1) The Vice-Chancellor may, on the recommendation of the Executive Council and the Academic Council supported by a majority of not less than two-thirds of the members of each body present at its meeting, such majority comprising not less than one-half of the members of each body, remove the name of any person from the register of graduates or withdraw from any person a diploma or a degree if he has been convicted by a court of law of any offence which in the opinion of the competent authority is a serious offence involving moral turpitude or if he has been guilty of scandalous conduct.

Removal of person from the register of graduates and withdrawal of degree or diploma.

(2) No action under sub-section (1) shall be taken unless the person concerned is given an opportunity of being heard.

CHAPTER IX COMMITTEES

**Examiners'
Committee.**

50. (1) There shall be formed a committee for each Faculty for the purpose of drawing up the list for appointment of the University Examiners, consisting of,-

- (i) the Dean, who shall be the *ex-officio* Chairperson;
- (ii) the Chairperson of the Board of Studies; and
- (iii) two members of the Board of Studies, nominated by the Vice-Chancellor for the year.

(2) The list of Examiners prepared by the Committee shall be placed by the Academic Council before the Vice-Chancellor for approval who may either approve, or modify the same for the reasons to be recorded in writing.

(3) The procedure to be followed by the Committee shall be such as may be prescribed by the Statutes.

**Other
Committees.**

51. The Board of Governors, the Executive Council, the Academic Council and other authorities may, from time to time, appoint such standing, special or advisory committees as it may deem fit and may nominate such persons on these committees as are not members of the authorities appointing such committees.

CHAPTER X FINANCE

**University
Fund.**

52. (1) The University shall establish a fund to be called the "University Fund".

(2) The following shall form part of, or be paid into, the University fund,-

- (a) any contribution or grants by the State Government, the Central Government, or the University Grants Commission;
- (b) the income of the University from all sources including income from fees and charges;
- (c) bequests, donations, endowments and other grants, if any;
- (d) any sum borrowed from the banks with the permission of the State Government.

(3) All moneys credited to the fund of the University shall be deposited in any of the Scheduled Bank as defined in the Reserve Bank of India Act, 1934, or the surplus fund shall be invested, in such manner as the Board on the recommendation of the Finance Committee or as per the directions of the State Government issued from time to time in this behalf.

(4) No money from the University Fund shall be spent except as otherwise provided for meeting its objectives.

53. (1) The annual accounts of the University shall be prepared and audited under the direction of the Executive Council and shall be submitted to the State Government.

Annual
accounts and
financial
estimates and
audit.

(2) The Executive Council shall, after the accounts are audited, submit a copy thereof alongwith a copy of the audit report to the Board and to the State Government.

(3) The Executive Council shall also prepare, before such date as may be prescribed by the Statutes, the financial estimates for the ensuing year.

(4) The annual accounts and the financial estimates shall be considered by the Board at its annual meeting and it may pass resolutions with reference thereto and communicate the same to the Executive Council which shall take them into consideration and take such action thereon as it thinks fit; and finally adopt the accounts and financial estimates. The Executive Council shall inform the Board at its next meeting of the action taken by it or of its reasons for taking no action.

(5) The annual accounts of the University shall be audited every year within three months of the closing of the financial year, by the auditors, appointed by the Finance Committee from amongst the firms of Chartered Accountants, whose partners have no interest in any of the authorities or affairs of the University. The Registrar and the Finance and Accounts Officer shall be jointly responsible for getting the accounts of the University so audited within the stipulated time limit, failing which the Vice-Chancellor shall take such steps as he may deem fit including disciplinary actions against such officers.

(6) The audited accounts shall be published by the University and a copy thereof together with the copy of the auditor's report shall be submitted to the State Government, and, on receipt of such audited accounts, the Board shall consider and pass such resolution thereon as it thinks fit.

(7) The State Government shall cause to be conducted the audit of the accounts of the University at least once in a year by the auditors appointed by the State Government.

54. The annual report of the University shall be prepared under the directions of the Executive Council and shall be submitted to the Board on or before such date as may be prescribed by the Statutes and shall be considered by the Board at the annual meeting. The Board may pass resolution thereon and communicate the same to the Executive Council which may take such action as it thinks fit, and the Executive Council shall inform the Board at its next meeting of the action taken by it or of its reasons for taking no action.

Annual
reports.

CHAPTER XI SUPPLEMENTARY PROVISIONS

Appointment
of teachers
and other
employees.

55. (1) Subject to the provisions of this Act, the teachers, officers, and other employees of the University shall be appointed in such manner and with such designations and grades as may be prescribed in the relevant Statutes, Ordinances and Regulations.

(2) The teachers, officers, and other employees of the University appointed under this Act shall be entitled to such salary and allowances, and shall be governed by such conditions of service and code of conduct as may be prescribed in the relevant Statutes, Ordinances and Regulations.

(3) No person shall be appointed as a teacher of the University, affiliated college or, as the case may be, recognised institution, unless he fulfills the prescribed qualifications and only after following due selection procedure laid down for such post by the University Grants Commission, the State Government, the University or other statutory regulatory bodies, as specified in the relevant Statutes, Ordinances and Regulations.

(4) Till the first Statutes, Ordinances, Regulations and Rules under section 69 are framed, relevant Government rules, norms as underlined by the different executive orders of the State Government as in force including the Gujarat Civil Services (Conduct) Rules, 1971 and the Gujarat Civil Services (Discipline and Appeal) Rules, 1971 shall be applicable for managing the affairs of the University.

Officers and
employees to
be public
servant.

56. Every officer and employee of the University shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

45 of
1860.

Explanation.- For the purposes of this section, any person who is appointed by the University for a specified period, or for a specified work of the University, or who receives any remuneration by way of compensatory allowance or fee for any work done from the University Fund shall be deemed to be an officer or an employee of the University while he is performing, and in relation to all matters relatable to the performance of, the duties and functions connected with such appointment or work.

Pension,
insurance
and
provident
fund of staff
of University,
etc.

57. (1) The University shall make provisions for the benefit of its officers, teachers and other employees in such matters as insurance, pension, provident fund or other benefits as it may deem fit, in such manner and subject to such conditions as may be prescribed by the Statutes.

(2) The governing body of any affiliated college and of a recognised institution shall make adequate provisions for the benefit of the members of the teaching and of other academic and non-teaching staff of such

college or institution in matters of pension, insurance and provident fund or for other benefits as may be prescribed by the Statutes.

58. (1) Where the University has established a provident fund for the benefit of its officers, teachers and other employees under section 57, such fund shall, notwithstanding anything contained in any law for the time being in force, be deposited in the Government treasury in accordance with such directions as the State Government may, from time to time, by an order in writing give and thereupon,-

Provident fund to be deposited in Government treasury.

- (i) the subscriber to the fund shall be entitled to interest on the balance in his provident fund account at the same rate, at which the State Government employee is for the time being entitled to on the balance in his provident fund account; and
- (ii) the rules for the time being in force relating to the limits of withdrawals from the provident fund as applicable to the Government employees shall, so far as may be, apply to the subscriber.

X of 1952.

(2) Nothing in this section shall apply to a provident fund established by the University to which the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, applies.

59. (1) Any member of any authority or body of the University may resign from his office by a letter addressed to the Vice-Chancellor through the Registrar and the resignation shall take effect on its acceptance by the Vice-Chancellor or on the expiry of thirty days from the date of the receipt of the letter by the Vice-Chancellor, whichever event occurs earlier.

Vacating of office.

(2) Any member of any authority or body of the University shall cease to be a member on being convicted by a court of law of an offence, which in the opinion of the Executive Council, involves moral turpitude.

60. When any vacancy occurs in the office of a member (other than an *ex-officio* member) of any authority or other body of the University before the expiry of the term of office of such member, the vacancy shall be filled up, as soon as conveniently may be, by the nomination, appointment or co-option, as the case may be, of a member who shall hold office so long only as the member in whose place he has been nominated, appointed or co-opted, would have held it, if the vacancy had not occurred.

Filling of casual vacancies.

61. (1) It shall be the duty of every officer, teacher and other employee of the University to ensure that the interests of the University are duly safeguarded.

Liability for damage.

(2) If it is found that any damage or loss has been caused to the University by any unlawful act not done in good faith, on the part of such officer, teacher, or other employee, or by any wilful failure to act in conformity with the provisions of this Act, the Statutes, Ordinances, Regulations or Rules, or by any wilful neglect or default on his part, such damage or loss shall be liable to be recovered from him in accordance with the procedure prescribed by the Statutes.

Proceedings
not
invalidated by
vacancies.

62. No act or proceedings of any authority or other body of the University shall be invalidated merely by reason of any vacancy in its membership.

Disputes as to
constitution of
University
authority or
body.

63. Where any question arises as to,-

(i) the interpretation of any provision of this Act, or Statute, Ordinance, Regulation or Rule, or

(ii) whether a person has been appointed as, or is entitled to be or ceases to be, a member of any authority or other body of the University,-

(a) it may be referred to the State Government if it relates to a matter specified in clause (i); and

(b) it shall be referred to the State Government if,-

(i) it relates to a matter specified in clause (ii); or

(ii) if twenty members of the Board so require irrespective of whether it relates to a matter specified in clause (i) or clause (ii), and

the State Government shall after making such inquiry as it deems fit (including giving an opportunity of being heard where necessary) decide the question and its decision shall be final.

Protection
of acts and
orders.

64. All acts and orders in good faith done and passed by the University or any of its authorities, bodies or officers shall be final and no suit shall be instituted against or damage claimed from the University or its authorities, bodies or officers for anything purporting to be done in pursuance of this Act and the Statutes, Ordinances, Regulations and Rules framed thereunder.

CHAPTER XII TRANSITORY PROVISIONS

Transfer of
certain
colleges,
departments
and centres
of Gujarat
University to
the
University.

65. (1) Notwithstanding anything contained in the Gujarat University Act, 1949 or in the Statutes, Ordinances, Regulations, Rules and orders made thereunder, the colleges and the departments and the centres situated within the University area shall, from the date of the commencement of this Act, cease to be the colleges, departments or, as the case may be, centres of the Gujarat University and shall be transferred to and vest in the University.

Bom. L of
1949.

(2) The control and management of the colleges, departments and centres referred to in sub-section (1) shall, with effect on and from the date of the

commencement of this Act, stand transferred to the University and all properties and assets (whether movable or immovable) and liabilities of the Gujarat University in relation thereto shall stand transferred to and vest in or devolve upon the University.

(3) Where immediately before the date of commencement of this Act, the Gujarat University has made any contract in relation to the said colleges, departments or centres, such contracts shall be deemed to have been made by the University and any reference therein to the Gujarat University shall be construed as reference to the University.

(4) Where immediately before the commencement of this Act, the Gujarat University is a party to any legal proceedings with respect to any property and assets transferred to the University under this section or with respect to any of the rights, liabilities or obligations of the Gujarat University which have become the rights, liabilities and obligation of the University, the University shall be deemed to be substituted for the Gujarat University as a party to those proceedings and the proceedings shall continue accordingly.

66. Notwithstanding anything contained in this Act, every employee of the college affiliated to the University or the recognised institution, who is holding office (whether teaching or non-teaching) of the Gujarat University immediately before the commencement of this Act, shall continue to hold such office on the same terms and conditions as were applicable to him immediately before such date, and exercise such powers and perform such duties as are conferred on them by or under this Act.

Terms and conditions of employees of affiliated colleges who were holding the posts in affiliated colleges of Gujarat University.

67. Notwithstanding anything contained in this Act, or the Statutes, Ordinances and Regulations made thereunder, any student of a college situated within the University area and affiliated to the Gujarat University, who immediately before the date on which this Act comes into force, was studying or was eligible for any examination of the Gujarat University shall be permitted to complete his course in preparation therefor, and the University shall provide for such period and in such manner as may be prescribed by the Statutes for the instruction, teaching, training and examination of such students in accordance with the courses of studies of the Gujarat University.

Completion of courses of students in colleges affiliated to Gujarat University.

68. Notwithstanding anything contained in section 12, the first Vice-Chancellor shall be appointed by the State Government as soon as practicable after the commencement of this Act for a period not exceeding three years and on such terms and conditions as the State Government thinks fit.

Appointment of first Vice-Chancellor.

69. (1) It shall be the duty of the first Vice-Chancellor,-

(a) to give recognition to institutions, if any, as far as possible consistently with the provisions of section 43; and

Transitory powers of first Vice-Chancellor.

- (b) to make arrangements for constituting the Board, the Executive Council, the Academic Council and other authorities of the University,

within six months after the date of his appointment or such longer period not exceeding one year as the State Government may, by notification in the *Official Gazette*, direct.

- (2) The first Vice-Chancellor shall, with the assistance of Advisory Committee consisting of not more than fifteen members nominated by the State Government,-

- (a) subject to the provisions of this Act and the approval of the State Government,-

- (i) make provisional Statutes necessary for constituting the aforesaid authorities and regulating the procedure at their meetings and the transaction of their business;
- (ii) draw up any rules that may be necessary for constituting the aforesaid authorities;

- (b) frame the first Statutes, Ordinances and Regulations under this Act and submit them for confirmation to the respective authorities when they commence to exercise their functions.

- (3) The authorities constituted under sub-section (1) shall commence to exercise their functions on such date or dates as the State Government may, by notification in the *Official Gazette*, direct.

- (4) The Statutes, Ordinances and Regulations framed by the first Vice-Chancellor shall, when confirmed by the respective authorities, be published in the *Official Gazette*.

Extraordinary
powers of first
Vice-
Chancellor.

70. The Vice-Chancellor appointed under section 68 shall have powers until the Executive Council commences to exercise its functions,-

- (a) with the previous approval of the State Government to make additional Statutes to provide for any matter not provided for by the first Statutes;
- (b) to constitute provisional authorities and bodies and on their recommendations to make rules providing for the conduct of the work of the University;
- (c) subject to the control of the State Government, to make such financial arrangements as may be necessary to enable this Act or any part thereof to be brought into force;
- (d) with the sanction of the State Government, to make for a period not exceeding two years such appointments as may be necessary to enable this Act or any part thereof to be brought into force;
- (e) to appoint any committee as he may think fit, to discharge such of functions as he may direct; and

- (f) generally to exercise all or any of the powers conferred on the Executive Council by or under the provisions of this Act.

71. Notwithstanding anything contained in section 14, the first Pro-Vice-Chancellor shall be appointed by the State Government as soon as practicable after the commencement of this Act for a period not exceeding three years and on such terms and conditions as the State Government thinks fit.

Appointment
of first Pro-
Vice-
Chancellor.

72. Notwithstanding anything contained in section 16, the first Registrar shall be appointed by the State Government as soon as practicable after the commencement of this Act for a period not exceeding three years and on such terms and conditions as the State Government thinks fit.

Appointment
of first
Registrar.

73. (1) At any time after the commencement of this Act until such time as the authorities of the University commence to exercise their functions,-

First
appointment
of officers and
teachers of
University.

(a) any officer of the University may be appointed by the Vice-Chancellor with the previous sanction of the State Government;

(b) the teachers of the University may be appointed by the State Government after considering the recommendations of an Advisory Committee consisting of the Vice-Chancellor, the Commissioner of Higher Education, Gujarat State and such other person or persons, if any, as the State Government thinks fit to associate with them.

(2) Any appointment made under sub-section (1), shall be for such period not exceeding two years and on such terms and conditions as the appointing authority thinks fit:

Provided that no such appointment shall be made until financial provision has been made therefor.

Bom. L of
1949.

74. Notwithstanding anything contained in the Gujarat University Act, 1949, no member, other than an *ex-officio* member of any of the authorities of the Gujarat University shall be eligible to become a member of any of the authorities of the University established under this Act till such member has completed his term or has resigned from his office.

Prohibition
of
membership.

75. If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by an order published in the *Official Gazette*, make such provisions not inconsistent with the provisions of this Act, as appear to be necessary or expedient for removing the difficulty:

Power to
remove
difficulties.

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

Amendment
of Schedule to
Bom. L of
1949.

76. In the Gujarat University Act, 1949, in the Schedule, entries 3 and 6 shall be deleted. Bom. L of 1949.

SCHEDULE

[See section 2(14)]

1. Panchmahal District.
2. Dahod District.
3. Chottaudepur District.
4. Mahisagar District.
5. Vadodara District (excluding the Maharaja Sayajirao University of Vadodara area comprising the limits of the City of Vadodara and territories within a radius of ten miles (sixteen kilometers) from the office of that University)

STATEMENT OF OBJECTS AND REASONS

At present, there are as many as 350 colleges and educational institutions under the control of the Gujarat University. The State Government is of the view that a University which has reasonable number of colleges and other educational institutions under its supervision and control would be able to function more efficiently and the standard of instructions would be improved considerably. Moreover, some of the existing colleges and institutions of the Gujarat University are far away from the headquarters of the Gujarat University which is at Ahmedabad and the students of the districts of Panchmahal, Dahod, Chhotaudepur, Mahisagar, Vadodara (Rural) have to face hardships whenever they are required to visit the University. It is, therefore, felt necessary to establish a new University at Godhara by the name of Shri Govind Guru University for the districts of the Panchmahal, Dahod, Chhotaudepur, Mahisagar, Vadodara (Rural) so as to serve the local needs of the students as also to cater the needs of the region. This University to be constituted in the tribal areas of the State of Gujarat would prove to be a boon, in particular, to the tribal communities and would help in creating a great awareness amongst the tribal communities towards the importance of the education in their lives. Having the University at their door step, the students of the tribal communities will have their education at a quite lower cost which they can afford.

The Finance Minister in his Budget Speech on 24.2.2015 while presenting the Annual Budget for the Financial Year 2015-16 of the State on the floor of the State Legislative Assembly had declared the intention of the State Government to establish two Universities and accordingly the Bill provides for the establishment of the Shri Govind Guru University at Godhara.

This Bill seeks to achieve the aforesaid objects.

The following notes on clauses explain, in brief, some of the important provisions of the Bill:-

Clause 1.-This clause provides for short title and commencement of the Act.

Clause 2. - This clause defines certain terms used in the Bill.

Clauses 3 to 7.-These clauses provide for establishment and incorporation of the Shri Govind Guru University, its headquarters, objects and powers and functions, jurisdiction of the University.

Clause 8.- This clause provides that the University shall be open to all irrespective of their sex, race, creed, caste, place of birth, religious belief or political or other opinion.

Clause 9. - This clause provides for the power of the State Government to give directions, order assessment and inquiry on the grounds of teaching standards, examinations, research or administration if it is deteriorated substantially and not of the acceptable level.

Clauses 10 and 11. - These clauses provide for the officers of the University and eligibility of age limit of officers of the various authorities.

Clauses 12 and 13. - These clauses provide for the qualification, other terms and conditions of service for appointment of the Vice-Chancellor of the University and his powers.

Clause 14.-This clause provide for the appointment of the Pro-Vice-Chancellor and terms and conditions of service for appointment of the Pro-Vice-Chancellor of the University and his powers.

Clauses 15 to 19.-These clauses provide for the appointment, conditions of service and powers and functions of the Deans of Faculties, Registrar, Law Officer, Finance and Accounts Officer and Controller of Examinations.

Clause 20. - This clause provides for the authorities of the University.

Clauses 21 to 23.-These clauses provide for the constitution of the Board of Governors, term of members of the Board, meetings of the Board, powers and duties of the Board of Governors.

Clauses 24 to 30. - These clauses provide for the constitution of Executive Council, Academic Council and Finance Committee, Buildings and Estate Committee of the University, term of members of the Council and Committee, resignation of members and their powers and functions.

Clauses 31 to 33. - These clauses provide for the constitution of Faculties and Board of Studies of the University and their powers and duties.

Clause 34. - This clause provides for the constitution, powers and duties of the boards and bodies which may be declared as the authority of the University in accordance with the Statutes.

Clauses 35 and 36.-These clauses provide for making of Statutes by the Board for matters specified therein.

Clauses 37 and 38.-These clauses provide for making of Ordinances by the Executive Council for matters specified therein.

Clause 39.-This clause provides of making of regulations by the Academic Council or Faculty. It also provides for making of rules by other authority such as Finance Committee, Buildings and Estate Committee, specified in clause 20 of the Bill.

- Clauses 40 to 42.** - These clauses provide for affiliation of a college to the University, extension of affiliation and withdrawal of affiliation.
- Clause 43.**-This clause provides for recognition of institution of research and specialised studies and withdrawal thereof.
- Clause 44.**-This clause provides for inspection of colleges and obtaining the reports thereon.
- Clause 45.**-This clause casts a duty on the University to obtain the accreditation from regulating agencies within five years.
- Clause 46.**-This clause provides for the post-graduate teaching and research in the University and at other places other than the University headquarters and further provides for the constitution of the Board of University Teaching and Research and its functions.
- Clauses 47 to 49.** - These clauses provide for the powers of the University to confer and withdraw degrees, diplomas, honorary degrees, grant certificates and other academic distinctions as approved by the Board of Governors.
- Clause 50.** - This clause provides forming of Examiners Committee's for each Faculty.
- Clause 51.** - This clause empowers the Board of Governors and other authorities to appoint such committees as deemed fit.
- Clause 52.** - This clause provides for the establishment of the University Fund.
- Clause 53.** - This clause provides for the preparation of accounts of the University and audit thereof and the audit by the State Government at least once in a year.
- Clause 54.** - This clause provides for preparation of the annual report of the University and submission to the Board of Governors.
- Clause 55.** - This clause provides for the appointment of the teachers, officers and other employees of the University, affiliated colleges and recognised institution their emoluments and conditions of services.
- Clause 56.** - This clause provides that all the officers, teachers and employees shall be deemed to be the public servants.
- Clause 57.**-This clause provides for the pension, provident fund and insurance for the benefits of the officers, teachers and other employees of the University, affiliated colleges and recognised institution.
- Clause 58.**-This clause provides for the provident fund to be deposited in the Government treasury.

Cluses 59. and 60. - Theses cluses provides for the manner in which a member of any authority or body may resign from his office and filling of the casual vacancies.

Clause 63.-This cluse provides for the redressal of disputes with regard to the interpretation of this Act or Statutes, etc., and disputes regarding the appointment, entitlement and cessation of a member of any authority or any other body of the University.

Clause 64. - This cluse provides for usual indemnity for acts done in good faith.

Clause 65. - This cluse provides for the different consequences with regard to the transfer of colleges, department from the Gujarat University on the establishment of the University under this Act.

Clause 66. - This cluse provides for the continuation of holding their offices by the employees of the colleges as a result of establishing the University under this Act.

Clause 67.-This cluse provides for the completion of the courses by the students in the Gujarat University.

Cluses 68 to 70. - These cluses provide for the appointment of the first Vice-Chancellor by the State Government for a period not exceeding three years, transitory powers and extra ordinary powers of the first Vice-Chancellor.

Cluses 71 and 72. - These cluses provide for the appointment of the first Pro-Vice-Chancellor and the first Registrar by the State Government.

Clause 73. - This cluse provides for the appointment of the Officers and teachers by the Vice- Chancellor with the previous sanction of the State Government for a period not exceeding two years immediately after coming into force in this Act.

Clause 74. - This cluse provides for prohibition of a member of any authority of the Gujarat University for becoming a member of any of the authorities of the University to be established under this Act till the term of such member expires or resigns from his office.

Clause 75.- This cluse empowers the State Government to remove difficulties arising in giving effect to the provisions of the Act, within a period of two years from the commencement of this Act.

BHUPENDRASINH CHUDASAMA,

FINANCIAL MEMORENDOM

Sub-clause (2) of clause 52 of the Bill contemplates the payment of contribution of the grant to the University among others by the State Government. The Bill, if enacted and brought into operation, would involve an estimated annual expenditure for the financial year 2015-16 of rupees 27.50 crore and for the financial year 2016-17 of rupees 27.50 crore from the Consolidated Fund of the State. In the Budget Estimate for the year 2015-16 a provision of rupees 27.50 crore and for the year 2016-17 a provision of rupees 27.50 crore will be made out of which rupees 27.50 crore would be of recurring nature and rupees Nil crore would be of non-recurring nature.

BHUPENDRASINH CHUDASAMA,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill provides for delegation of legislative powers in the following respects:-

Clause 1- Sub-clause (2) of this clause empowers the State Government to appoint by notification in the *Official Gazette*, the date on which provisions other than section 1 of this Act shall come into force and also to appoint different dates for different provisions.

Clause 6. - (i) This clause empowers the concerned authority of the University to prescribe conditions subject to which the University shall have the powers specified in that clause;

(i) sub-clauses (10) and (11) of this clause empower the University to confer degrees, diplomas and other academic distinctions in the manner prescribed by the Statutes;

(ii) sub-clause (12) of this clause empowers the University to grant diplomas and to provide for such lectures, instruction and training for persons who are not enrolled students of the University, by the Statutes, Ordinances, Regulations and Rules;

(iii) sub-clause (19) of this clause empowers the University to fix, demand and receive or recover such fees and other charges as prescribed by the Ordinances.

Clause 7.- Sub-clause (5) of this clause empowers the State Government to direct by notification in the *Official Gazette*, that this Act shall from the date specified in the notification cease to apply to any area included in the University area.

Clause 10.- This clause empowers the Board of Governors to declare by Statutes, other officers who are in the service of University to be the officers of the University.

Clause 12.- (i) para (i) of sub-clause (4) of this clause empowers the Executive Council and the Academic Council to jointly nominate one person on the Committee and the Vice-Chancellors of all Universities established by law in the State of Gujarat to nominate another person on the Search Committee in the manner prescribed by the Statutes;

(ii) sub-clause (6) of this clause empowers the Board of Governors to prescribe by Statutes, the time within which and the manner in which the Committee shall select three persons whom it considers fit for being appointed as the Vice-Chancellor; and also empowers to prescribe other particulars which the Committee shall recommend to the State Government.

Clause 13.- Sub-clause (8) of this clause empowers the concerned authority to prescribe by Statutes, Ordinances and Regulations, the other powers to be exercised and the other functions to be performed by the Vice-Chancellor.

Clause 14.- Sub-clause (5) of this clause empowers the Board of Governors to prescribe by Statutes, the other powers to be exercised and the other duties to be performed by the Pro-Vice-Chancellor.

Clause 15.- (i) Sub-clause (1) of this clause empowers the Board of Governors to prescribe by Statutes, the manner in which the Deans of Faculties shall be elected;

(ii) para (viii) of sub-clause (4) of this clause empowers the Board of Governors to prescribe by Statutes the other powers to be exercised and the other functions to be performed by the Deans of Faculties.

Clause 16.- This clause empowers the Board of Governors to prescribe by Statutes, the emoluments and conditions of service on which the Registrar shall be appointed. It also empowers the concerned authority to prescribe by Statutes, Ordinances and Regulations, the other powers to be exercised and the other functions to be performed by the Registrar.

Clause 17.- Sub-clause (2) of this clause empowers the Board of Governors to prescribe by Statutes, the qualifications, experience, powers, functions and duties of the Law Officer of the University.

Clause 18.- (i) Sub-clause (1) of this clause empowers the Board of Governors to prescribe by Statutes, the other powers to be exercised and the other functions to be performed by the Finance and Accounts Officer of the University;

(ii) para (ii) of sub-clause (4) of this clause empowers the State Government to prescribe by Statutes, the other financial functions to be performed by the Finance and Accounts Officer.

Clause 19.- Sub-clause (2) of this clause empowers the Board of Governors to prescribe by Statutes, the qualifications, terms and conditions of service and the tenure of the Controller of Examination of the University.

Clause 20.- Item (ix) of this clause empowers the Board of Governors to declare by Statutes, the other Boards and Bodies of the University to be the authorities of the University.

Clause 21.- This clause empowers the Board of Governors to prescribe by Statutes, the manner in which five registered graduates referred to in item (v) falling under the heading "Class II Ordinary Members", shall be nominated by the Vice-Chancellor.

Clause 25.- (i) Sub-clause (1) of this clause empowers the concerned authority of the University to prescribe, conditions subject to which the Executive Council shall have the powers specified in paras (i) to (xxvi) of this clause;

(ii) item (xix) of sub-clause (1) empowers the Board of Governors to prescribe by Statutes, the manner in which honorary degrees and academic distinction shall be conferred by the Board of Governors;

(iii) item (xxiv) of sub-clause (1) empowers the Executive Council to prescribe by Ordinances, the fees and other charges to be fixed, demanded and received;

(iv) sub-clause (5) empowers the Executive Council to prescribe by Ordinances, to appoint committee or committees to carry out its administrative work and define its constitution, functions and tenure.

Clause 27.- Sub-clause (2) of this clause empowers the concerned authority of the University to prescribe conditions subject to which the Academic Council shall have the powers for the matters specified in paras (i) to (xiv) of this clause.

Clause 29.- This clause empowers the Finance Committee to exercise other powers and perform other duties conferred or imposed upon it by the Regulations.

Clause 31.- (i) Sub-clause (1) of this clause empowers the Board of Governors to prescribe by Statutes, the faculties other than the faculties of Arts, Education, Sciences, Law, Medicine, Commerce, which shall be included;

(ii) proviso to sub-clause (4) of this clause empowers the State Government after consulting the University, to direct, by notification in the *Official Gazette*, that the Faculties specified in the notification may be located at the place other than the headquarters of University.

Clause 32.- (i) Sub-clause (2) of this clause empowers the concerned authority of the University to prescribe the conditions subject to which the Faculty shall exercise the powers and perform the duties for the matters specified in paras (i) to (xii) of this clause.

Clause 33.- (i) Sub-clause (1) of this clause empowers the Board of Governors to prescribe by Statutes, the subjects or group of subjects for a Board of Studies;

(ii) para (ii) of sub-clause (6) of this clause empowers the concerned Faculties to prescribe by regulations, the books for study in the subject;

(iii) para (ix) of sub-clause (6) of this clause empowers the Board of Governors to prescribe by Statutes, the other powers which shall be exercised and other duties which shall be performed by the Board of Studies.

Clause 34.- This clause empowers the Board of Governors to prescribe by Statutes, the constitution, powers and duties of the Boards and Bodies which may be declared to be the authorities of the University under section 20.

Clause 35.- This clause empowers the Board of Governors to prescribe conditions subject to which the Board of Governors shall make Statutes specified for the matters specified therein.

Clause 36.- This clause empowers the Board of Governor to make, amend, repeal or add the Statutes in the manner specified therein.

Clauses 37 and 38.- These clauses empower the Executive Council to prescribe by Statutes, the conditions subject to which the Executive Council shall make Ordinances for the matters mentioned in this clause.

Clause 39.- (i) This clause empowers the Academic Council and Faculty to make regulations consistent with the provisions of the Act and Ordinances for the matters concerning itself;

(ii) sub-clause (2) of this clause empowers authorities declared under section 20, to make rules consistent with the Act, Statutes, Ordinances with the approval of the Executive Council.

Clause 43.- (i) Clause (1) of this clause empowers the Board of Governors to prescribe by Statutes, the purpose for which, the manner in which and the conditions subject to which, any institute situated within the University area, which conducts specified research or studies shall be recognised by the Executive Council in consultation with the Academic Council;

(ii) clause (2) of this clause empowers the Board of Governors to prescribe by Statutes, the manner in which and the reasons for which the recognition of any institute may be withdrawn either in whole or in part or may be modified.

Clause 46.- (i) Sub-clause (1) of this clause empowers the Board of Governors to prescribe by Statutes, the subjects in which the post-graduate instruction, teaching and training shall be conducted by the University or the affiliated colleges or institutions;

(ii) sub-clause (4) of this clause empowers the Board of Governors to prescribe by Statutes, the terms and conditions subject to which the University Centres shall be maintained by the University at the places other than the headquarters of the University.

Clause 47.- (i) Clause (1) of this clause empowers the concerned authority to prescribe by Statutes, the degrees, diplomas and other academic distinctions which the Board of Governors in consultation with the Academic Council and Executive Council may institute and confer;

(ii) clause (4) of this clause empowers the concerned authority to prescribe by Statutes, the manner in which convocation of the University for conferment of honorary degree, diploma, certificate and academic distinction shall be held.

Clause 50.- Sub-clause (3) of this clause empowers the Board of Governors to prescribe by Statutes, the procedure to be followed by Examiners' Committee for appointment of the University Examiner.

Clause 53.- Sub-clause (3) of this clause empowers the Board of Governors to prescribe by Statutes, the date before which the Executive Council shall prepare the financial estimates for the ensuing year.

Clause 54.- This clause empowers the Board of Governors to prescribe by Statutes, the date on or before which the annual report of the University shall be prepared and submitted to the Board of Governors.

Clause 55.- Sub-clauses (1) to (3) of this clause empower the concerned authorities of the University to prescribe by the Statutes, Ordinances and Regulations, the designations and grades, entitlement of salary and allowances, conditions of service and code of conduct; of the teachers, officers and other employees of the University, and qualifications for appointment of teachers.

Clause 57.- (i) Sub-clause (1) of this clause empowers the Board of Governors to prescribe by the Statutes, the manner and conditions subject to which the University shall make provisions for insurance, pension, provident fund and other benefits of the officers, teachers and other employees of the University;

(ii) Sub-clause (1) of this clause empowers the Board of Governors to prescribe by the Statutes, the adequate provisions by the Governing body of the any college and recognised institution for insurance, pension, provident fund and other benefits of the members of teaching and other academic and non-teaching staff of such college or institution.

Clause 61.- Sub-clause (2) of this clause empowers the Board of Governors to prescribe by Statutes, the procedure to be followed for the recovery of damage or loss caused to the University by any officer, teacher, or other employee.

Clause 67.- This clause empowers the Board of Governors to prescribe by Statutes, the period for which and the manner in which the University shall provide for completion of courses, instruction, teaching, training and examination of students in colleges affiliated to the Gujarat University.

Clause 69.- (i) Sub-clause (1) of this clause empowers the State Government to extend by notification in the *Official Gazette*, a period up to one year within which the First Vice-Chancellor shall perform functions of giving recognition to the institutions and constitution of the authorities specified in that sub-clause;

(ii) sub-clause (3) of this clause empowers the State Government to direct by notification in the *Official Gazette*, the date or dates on which the authorities constituted under sub-clause (1) of this clause shall commence to exercise their functions.

Clause 70.- (i) This clause provides for the extra-ordinary powers of the First Vice-Chancellor to make additional Statutes with the previous approval of the State Government, for the matters not included in the first Statutes.

Clause 75.- This clause empowers the State Government to make an order published in *Official Gazette*, to remove any difficulty if arised in giving effect to the provisions of this Act within a period of two years .

The delegation of legislative powers, as aforesaid, is necessary and is of a normal character.

Dated the 19th August, 2015.

BHUPENDRASINH CHUDASAMA.

By order and in the name of the Governor of Gujarat,

Gandhinagar,
Dated the 19th August, 2015.

C. J. Gothi,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.



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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT AGRICULTURAL PRODUCE MARKETS (SECOND AMENDMENT) BILL, 2015.

GUJARAT BILL NO. 26 OF 2015.

A BILL

*further to amend the Gujarat Agricultural
Produce Markets Act, 1963.*

It is hereby enacted in the Sixty-sixth Year of the Republic of India
as follows:-

Short title and
commencement.

1. (1) This Act may be called the Gujarat Agricultural Produce Markets (Second Amendment) Act, 2015.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment of
section 31G of
Guj. XX of 1964.

2. In the Gujarat Agricultural Produce Markets Act, 1963, in section 31G, in sub-section (1), for the words "not less than five markets", the words "more than one market" shall be substituted.

Guj. XX of 1964.

STATEMENT OF OBJECTS AND REASONS

The State Government has enacted the Gujarat Agricultural Produce Markets Act, 1963 for the regulation of buying and selling of agricultural produce; and for establishment of markets for agricultural produce in the State. Section 31G of the said Act, at present requires that any person who desires to obtain a common license for the purpose of purchase of a minimum prescribed quantity of agricultural produce from not less than five markets shall have to apply to the Director. The said provisions are required to the effect that such common license will now be required where a person intends to purchase the agricultural produce from more than one market in view of the national agricultural market program of the Government of India for the purpose of establishing Unified e-Market across the State. It is, therefore, considered necessary to amend the provisions of section 31G accordingly.

This Bill seeks to amend the said Act to achieve the aforesaid object.

Dated the 19th August, 2015.

BABUBHAI BOKHIRIA.

By order and in the name of the Governor of Gujarat,

C. J. GOTH,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

Gandhinagar,
Dated the 19th August, 2015.



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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*.
The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT UNIVERSITIES LAWS (AMENDMENT) BILL, 2015.

GUJARAT BILL NO. 27 OF 2015.

A BILL

*further to amend the Gujarat University Act, 1949 and the Sardar Patel
University Act, 1955.*

It is hereby enacted in the Sixty-sixth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Universities Laws (Amendment) Act, 2015. Short title and commencement.
- (2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment of Schedule I to Bom. L of 1949. 2. In the Gujarat University Act, 1949, in Schedule I, entry 2 shall be deleted. **Bom. L of 1949.**

Insertion of new section 5A in Bom. XL of 1955. 3. In the Sardar Patel University Act, 1955 (hereinafter referred to as "the principal Act"), after section 5, the following section shall be inserted, namely:- **Bom. XL of 1955.**

Jurisdiction and admission to privileges.

"5A. (1) No educational institution situate within the University area specified in the entries (2) and (3) of Schedule I shall, save with the consent of the University and the sanction of the State Government, be associated in any way with, or seek admission to any privileges of, any other University established by law.

(2) Any such privileges enjoyed from the Gujarat University before the date on which the Gujarat Universities Laws (Amendment) Act, 2015, comes into force, by any educational institution situate within the University area as specified in sub-section (1), shall be deemed to be withdrawn with effect from such date.

Guj.of 2015.

(3) With effect on and from such date, all educational institutions admitted to the privileges of the Gujarat University, and situated within the University area as specified in sub-section (1), shall be deemed to be admitted to the privileges of the University, and such institutions shall, on and from such date cease to be associated with and to enjoy the privileges of the Gujarat University and the Gujarat University Act, 1949 shall thereupon cease to apply to them. The University shall, as far as may be possible and consistent with this Act, admit such institutions to all such privileges as they had from the Gujarat University immediately before such date."

Bom. L of 1949.

Amendment of section 61 of Bom. XL of 1955. 4. In the principal Act, the existing section 61 shall be renumbered as sub-section (1) of that section and after sub-section (1) as so renumbered, the following sub-section shall be added, namely :-

“(2) Notwithstanding anything contained in this Act or the Statutes and Ordinances made thereunder, any student of a college situate within the University area specified in the entries (2) and (3) of Schedule I and affiliated to the Gujarat University, who immediately before the date on which section 5A comes into force, was studying or was eligible for any examination of the Gujarat University shall be permitted to complete his course in preparation therefor, and the University shall provide for such period and in such manner as may be prescribed by the Statutes for the instruction, teaching, training and examination of such students in accordance with the course of studies of the Gujarat University.”.

5. In the principal Act, after section 61, the following section shall be inserted, namely:-

Insertion of
new section
61A in Bom.
XL of 1955.

Terms and
conditions of
employees of
colleges who
were holding the
posts in affiliated
colleges of
Gujarat
University.

Guj.of
2015.

“61A. Notwithstanding anything contained in this Act, every employee of a college affiliated to the University who is holding office (whether teaching or non-teaching) of the Gujarat University immediately before the commencement of the Gujarat Universities Laws (Amendment) Act, 2015, shall continue to hold such office on the same terms and conditions as were applicable to him immediately before such date and exercise such powers and perform such duties as are conferred on him by or under this Act.”.

6. In the principal Act, in Schedule I,-

(i) the existing entry shall be numbered as entry (1) of that Schedule ;

(ii) after entry (1), the following entries shall be added, namely :-

“(2) Anand Dsitrit (excluding the area as specified in entry (1)).

(3) Kheda District.”.

Amendment
of Schedule I
to Bom. LX
of 1955.

STATEMENT OF OBJECTS AND REASONS

The University area of the Sardar Patel University established under the Sardar Patel University Act, 1955, comprises the area within the limits of Vallabh Vidyanagar, in the Anand Taluka of Anand District. Representations have been made to the State Government for affiliating the colleges situate in the areas of districts of Anand and Kheda, which are at present affiliated to the Gujarat University, with the Sardar Patel University. The State Government, after due consideration, has thought it fit to affiliate the colleges of the Anand and Kheda Districts with the Sardar Patel University so that the students of the said districts will have a University at their doorstep. This will serve the local needs of the students as also cater the needs of the region.

It is, therefore, proposed to amend Schedule I to the aforesaid Act so as to include the areas of Anand and Kheda districts in the University area. It is also proposed to insert certain other consequential provisions on account of addition of such area.

This Bill seeks to amend the said Act to achieve the aforesaid objects.

BHUPENDRASINH CHUDASAMA,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves delegation of legislative power in the following respect:-

Clause 4.- New sub-section (2) proposed to be inserted in section 61 by this clause, empowers the Senate to prescribe by the Statutes, the period for which and the manner in which the University shall provide for completion of courses, instruction, teaching, training and examination of the students of the colleges situate within the University area as specified in the entries (2) and (3) of the Schedule I, and affiliated to the Gujarat University, before the date on which section 5A comes in to force.

The delegation of legislative power as aforesaid is necessary and is of a normal character.

Dated the 20th August, 2015.

BHUPENDRASINH CHUDASAMA.

By order and in the name of the Governor of Gujarat,

C. J. GOTH,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

Gandhinagar,
Dated the 20th August, 2015.



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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT AGRICULTURAL LANDS CEILING (AMENDMENT)

BILL, 2015.

GUJARAT BILL NO. 28 OF 2015.

A BILL

further to amend the Gujarat Agricultural Lands Ceiling Act, 1960.

It is hereby enacted in the Sixty-sixth Year of the Republic of India as follows :-

1. This Act may be called the Gujarat Agricultural Lands Ceiling (Amendment) Act, 2015. Short title.

Guj. XXVII
of 1961.

2. In the Gujarat Agricultural Lands Ceiling Act, 1960 (hereinafter referred to as "the principal Act"), in the preamble, after the words "for ensuring the full and efficient use thereof", the words "or for the allotment for

Amendment to
preamble of
Guj. XXVII of
1961.

industrial purpose or for the development thereof or for any public purpose” shall be inserted.

Amendment
of section 29
of Guj. XXVII
of 1961.

3. In the principal Act, in section 29,-

(1) in sub-section (1), -

(i) after the words “occupancy price payable therefor”, the words “in so far as clauses (ii), (iii) and (iv) are concerned,” shall be inserted;

(ii) after clause (iv), the following clauses shall be added, namely :-

“(v) any urban local body, for public purpose, when the land is situated within the areas of such local body;

(vi) any person, for industrial purpose or for the purpose of development thereof, when the land is situated outside the areas of the urban local body:”;

(2) to sub-section (3), the following proviso shall be inserted, namely :-

“Provided that nothing in this sub-section shall apply in case where the land is allotted either under clause (v) or clause (vi) of sub-section (1).”;

(3) after sub-section (3), the following sub-sections shall be added, namely :-

“(4) Where any urban local body is allotted any land in pursuance of clause (v) of sub-section (1) of this section, such urban local body shall further allot such land for any public purpose in the manner and subject to such conditions as may be prescribed.

(5) Before any land is allotted to a person under clause (vi) of sub-section (1), such person, if he is an agriculturist or not, shall, in *lieu* of the land to be allotted to him, make available equivalent quantum of agricultural land in the nearby vicinity in the manner and subject to such conditions as may be prescribed, to the State Government, which shall vest in the State Government free from all encumbrances.

(6) The land so vested in the State Government under sub-section (5), shall be deemed to have been vested under section 21 or 26, under which the land to be allotted was originally vested in the State Government, as the case may be.”.

4. In the principal Act, after section 30, the following section shall be inserted, namely :-

Insertion of
new section
30A in Guj.
XXVII of
1961.

Land allotted to
urban local
body or any
person shall be
of old tenure.

“30A. Notwithstanding anything contained in section 30, any land allotted either under clause (v) or (vi) of sub-section (1) of section 29, to any urban local body or any person respectively shall be of old tenure.”.

STATEMENT OF OBJECTS AND REASONS

The Gujarat Agricultural Lands Ceiling Act, 1960 was enacted way back in the year 1960 for the purposes, among others, to secure the distribution of agricultural land as best to subserve the common good and allotment of surplus agricultural land to the persons who are in need of lands for agriculture. Therefore, the State Government is required to allot the surplus land as provided in section 29 of the Act.

However, with the rapid industrialisation and urbanisation which have taken place in the State of Gujarat in the recent years, the need for allotment of such land, besides the purposes for which the surplus land can be allotted at present, for the industrial purpose as also for the purpose of development thereof or for any public purpose can hardly be overlooked. Sometimes, the surplus agricultural land which vests in the State Government under section 21 or 26 is also found to be included in the residential, industrial or commercial zones in the final development plan sanctioned under the Gujarat Town Planning and Urban Development Act, 1976 for the areas of urban local bodies. It is, therefore, proposed to amend the provisions of sub-section (1) of section 29 suitably whereby the State Government may, in addition to the present purposes as envisaged under the Act, allot the land vested in it under the Act for the aforesaid purposes in order of priority. A provision is also proposed to be inserted that whenever the land is allotted to any person, he shall be required to make available equivalent quantum of agricultural land in *lieu* of the land to be allotted to him and such land shall be deemed to have been vested in the State Government. When the land is allotted to any urban local body, such local body shall further allot such land in the manner and subject to such conditions as prescribed by the rules. It is also proposed to make certain other consequential amendments in the said Act.

This Bill seeks to amend the said Act to achieve the aforesaid objects.

NITIN PATEL,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves delegation of legislative powers in the following respects:-

Clause 3.- (i) sub-section (4) proposed to be inserted in section 29 of the Act, by sub-clause (3) of this clause, empowers the State Government to prescribe by rules, the manner in which and the conditions subject to which the land shall be further allotted by the urban local bodies;

(ii) sub-section (5) proposed to be inserted in section 29 of the Act, by this clause, empowers the State Government to prescribe by rules, the manner in which and the conditions subject to which a person who is an agriculturist or non-agriculturist, shall, in *lieu* of the land to be allotted to him make available the equivalent quantum of agricultural land.

The delegation of legislative powers as aforesaid is necessary and is of a normal character.

Dated the 21st August, 2015.

NITIN PATEL.

By order and in the name of the Governor of Gujarat,

Gandhinagar,
Dated the 21st August, 2015.

C. J. GOTH,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.



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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT PROHIBITION (AMENDMENT) BILL, 2015.

GUJARAT BILL NO. 29 OF 2015.

A BILL

further to amend the Gujarat Prohibition Act, 1949.

It is hereby enacted in the Sixty-sixth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Prohibition (Amendment) Act, 2015.

Short title and
commencement

(2) It shall come into force at once.

Amendment
of section 2 of
Bom. XXV of
1949.

2. In the Gujarat Prohibition Act, 1949, in section 2, in clause (39A), in para (i), for the words and figures "less than 90 per cent.", the words and figures "less than 80 per cent." shall be substituted.

Bom. XXV
of 1949.

STATEMENT OF OBJECTS AND REASONS

The State Government vide the Bombay Prohibition (Gujarat Second Amendment) Act, 2003 (Guj. Act No. 27 of 2003) had amended the definition of the term "rotten gur" and had added certain portion at the end of the said definition. After such amendment the term of the "rotten gur" *inter alia* provides that the gur shall be considered as the rotten gur if on chemical analysis, it is found that such gur contains total sugar (expressed as invert sugar) less than 90 per cent. and sucrose less than 60 per cent.

In this connection, the State Government has received various representations from the farmers, particularly of the Saurashtra region, that due to geographical and environmental conditions, the gur they manufacture does not contain the total sugar more than 90 per cent. As such, such gur comes within the purview of the definition of the term "rotten gur" and a result thereof for keeping such gur in their possession, they have to face the hardships and are not in a position to sell the same to the traders. In response to such representations, a Committee was formed by the State Government and the opinion in this regard of the Forensic Science Laboratory was called for by the Committee. The Forensic Science Laboratory, after collecting the samples of the gur from the different regions of the State of Gujarat, has opined that on chemical analysis the gur manufactured in the regions other than the Saurashtra region was found to have more than 90 per cent. of sugar, whereas the gur manufactured in the Saurashtra region contained less than 90 per cent. of total sugar, but more than 80 per cent.

In view of this, it appears to the State Government that the problem raised by the farmers of the Saurashtra region for amending the definition of the term "rotten gur" is genuine as it is not possible for them to manufacture the gur which has the sugar contain more than 90 per cent. due to geographical and environmental conditions prevailing in that region. The State Government, therefore, considers it necessary to amend the said definition providing for the containment of the total sugar of not less than

80 per cent. in place of the existing 90 per cent. so as to do away with the hardship being faced by the farmers.

This Bill seeks to amend the Gujarat Prohibition Act, 1949 to achieve the aforesaid object.

Dated the 21st August, 2015.

RAJANI PATEL.

By order and in the name of the Governor of Gujarat,

C. J. Gothi,

Gandhinagar,
Dated the 21st August, 2015.

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.



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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE GUJARAT TENANCY AND AGRICULTURAL LANDS LAWS (AMENDMENT) BILL, 2015

GUJARAT BILL NO. 30 OF 2015.

A BILL

further to amend the Gujarat Tenancy and Agricultural Lands Act, 1948, the Saurashtra Gharkhed, Tenancy Settlement and Agricultural Lands Ordinance, 1949 and the Gujarat Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, 1958.

It is hereby enacted in the Sixty-sixth Year of the Republic of India as follows:-

1. (1) This Act may be called the Gujarat Tenancy and Agricultural Lands Laws (Amendment) Act, 2015.

Short title and
commencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Amendment of 2.
section 63AA of
Bom. LXVII of
1948.

In the Gujarat Tenancy and Agricultural Lands Act, 1948 (hereinafter referred to as "the Gujarat Tenancy and Agricultural Lands Act"), in section 63AA,-

Bom.
LXVII of
1948.

(1) in sub-section (1), after the existing proviso, the following proviso shall be inserted, namely:-

"Provided further that where the land is sold to a purchaser which is a company as defined by clause (20) of section 2 of the Companies Act, 2013, it may offer the equity shares of the company, to the person by whom such land is being sold, in *lieu* of the sale price of such land and if such person is in agreement for accepting such equity shares, either in full, or partly, then it shall be incumbent upon such company to allot such equity shares of equivalent amount, either in full or partly, to such person.";

18 of
2013.

(2) in sub-section (4), for clause (b) and proviso thereto, the following clause shall be substituted, namely:-

"(b) the purchaser to whom a certificate is issued under sub-clause (i) of clause (c) of sub-section (3) shall commence production of goods or providing of services within five years from the date of certificate:

Provided that the period of five years may on an application made by the purchaser in that behalf be extended by two years by the Collector as he may by an order in writing in such circumstances as may be prescribed:

Provided further that the Collector shall not extend such period for more than a period of one year at a time:

Provided also that such aggregate period of seven years may, on an application made by the purchaser in that behalf, and on the payment of fifty per cent. of the prevailing Jantri value, be extended by another three years by the State Government.";

(3) after sub-section (4), the following sub-sections shall be inserted, namely:-

"(4A) In case where the purchaser fails to commence the production of goods or providing of services within three years from the date of certificate issued under sub-section (3) or thereafter, the Collector may, after an application is made to him in that behalf, grant permission by an order for sale or transfer of such land:

Provided that such permission shall be granted by the Collector only upon the payment of -

- (i) 40 per cent. of the prevailing Jantri value, if the application is made before the completion of a period of five years from the date of certificate;
- (ii) 60 per cent. of the prevailing Jantri value, if the application is made after a period of five years but before the completion of a period of seven years from the date of certificate;
- (iii) 100 per cent. of the prevailing Jantri value, if the application is made thereafter.

(4B) Notwithstanding anything contained in sub-section (4) or sub-section (4A),-

- (i) where the land is sold to a person in pursuance of sub-section (1) for the purpose of establishing an industrial park in consonance with the policy and conditions of the State Government in that behalf, the purchaser shall fulfill all the conditions in such manner and within such period as may be prescribed;
- (ii) the purchaser shall be required to obtain certificate/certificates from the Industries Commissioner, Gujarat State, in the manner as may be prescribed of having fulfilled the conditions as referred to in clause (i);

- (iii) in case where the purchaser fails to obtain the certificate/certificates as referred to in clause (ii), the provisions of sub-section (5), in so far as vesting of such land or part of such land in case where the purchaser has already transferred any portion or portions of such land, in the State Government and disposal of such land are concerned, shall *mutatis mutandis* apply;
- (iv) the purchaser shall be entitled to transfer or sell portion of such land to any person for establishing an industry thereon subject to the provisions of the policy of the State Government with regard to the industrial park;
- (v) the transferee under clause (iv) or any person to whom such land may be transferred in any subsequent transaction or transactions shall be entitled to sell or transfer such portion of land to any person for the purpose as provided in clause (iv);
- (vi) in case where the purchaser is of the view, after a period of three years from the date of purchase of such land, that it is not possible for him to fulfill the conditions and obtain the certificate/certificates as referred to in this section, he may make an application to the Collector for grant of permission to sale or transfer of such land and the Collector shall thereupon grant such permission only upon the payment of,-
 - (a) 40 per cent. of the prevailing Jantri value, if the application is made before the completion of a period of five years from the date of certificate;
 - (b) 60 per cent. of the prevailing Jantri value, if the application is made after a period of five years but before the completion of a period of seven years from the date of certificate;
 - (c) 100 per cent. of the prevailing Jantri value, if the application is made thereafter:

Provided that such permission for sale of such land shall be granted only for the purpose of use of such land for the *bonafide* industrial purpose.

Explanation.- For the purposes of this section, the expression "*bonafide* industrial purpose" includes and shall always be deemed to have included the establishment of the industrial park.";

(4) for sub-section (5), the following sub-section shall be substituted, namely:-

"(5) Where the Collector after making such inquiry as he deems fit and giving the purchaser an opportunity of being heard comes to the conclusion that the purchaser has failed to commence production of goods or providing of services within the period as specified in clause (b) of sub-section (4), or the period extended under the provisos to that clause, the land shall vest in the State Government free from all encumbrances on payment to the purchaser of such compensation as the State Government may determine and such land shall be disposed of by the State Government in the manner as may be prescribed."

3. In the Gujarat Tenancy and Agricultural Lands Act, after section 63AA, the following sections shall be inserted, namely:-

Insertion of new sections 63AB, 63AC, 63AD in Bom. LXVII of 1948.

Last transaction if made to an agriculturist to be valid even if earlier transaction or transactions may be invalid.

"63AB. (1) Notwithstanding anything contained in section 63, where the Mamalatdar *suo moto* or on the application of any person interested in the land, has reason to believe that, in the breach of the provisions of clause (a), (b) or (c) of sub-section (1) of section 63, transfer of the land had taken place in favour of a person who was not an agriculturist, and that certain transaction or transactions have taken place thereafter and the person in whose favour the last transaction was made on or before the 30th June, 2015, is an

agriculturist, he shall issue a notice to such person and shall give him an opportunity of being heard and also make an inquiry as he deems fit.

(2) If the Mamalatdar comes to the conclusion that as a result of the last transaction in respect of such land, the person to whom such land was transferred is indeed an agriculturist, he shall call upon such person to pay to the State Government, for the use of such land only for the agricultural purpose, the amount of ten per cent. of the prevailing Jantri and after such payment he shall declare, by an order, such last transaction to be valid irrespective of the fact that any one or more of such transactions was or were invalid and upon such order, no proceedings under section 84C shall be initiated and if already initiated shall be discontinued forthwith.

Conversion of land
into non-
agricultural
purpose if the land
is purchased
before the
commencement of
Amending Act,
2015.

63AC. (1) Notwithstanding anything contained in section 63 or 63AD but subject to the provisions of any other law for the time being in force, any institution registered as a public trust for charitable purpose under the Gujarat Public Trusts Act, 1950, or any company registered under the Companies Act, 2013 which has in its objects the promotion of charity and to which provisions of section 8 of the said Act are applicable, has purchased the land in contravention of the provisions of sub-section (1) of section 63 on or before the 30th June, 2015, such institution shall be entitled to make an application within six months from the commencement of the Gujarat Tenancy and Agricultural Lands Laws (Amendment) Act, 2015, to the Collector for conversion of such land into non -agricultural purpose.

Bom. 29 of
1950.

18 of 2013.

Guj. of
2015.

(2) On an application made under sub-section (1), the Collector shall make a detailed inquiry and comes to the conclusion that such institution has, in contravention of the provisions as referred to in sub-section (1) purchased the land, he shall call upon such public trust

or the company as referred to in sub-section (1) to pay such amount in such manner as may be prescribed by the State Government and if such public trust or company pays such sum as directed by the Collector, the Collector shall allow the conversion of such land into the non-agricultural purpose and pass the order accordingly.

Penalty to
transferee for
transfer of land
in breach of
provisions of
sub-section (1) of
section 63.

63AD. (1) Notwithstanding anything contained in section 84C, where the Mamalatdar *suo moto* or on the application of any person, has reason to believe that, in the breach of the provisions of clause (a), (b) or (c) of sub-section (1) of section 63, transfer of the land has taken place in favour of a person who is not an agriculturist or in favour of any institution, the Mamalatdar shall issue a notice to such person or institution and, after affording an opportunity of being heard, decide whether the transfer of the land is valid or not.

(2) If the Mamalatdar comes to a decision that the transfer of such land is not valid then he shall pass an order thereby,-

- (i) imposing the penalty of three times the amount of the prevailing Jantri of such land on such person or institution in whose favour such land is not validly transferred; and
- (ii) directing the person or institution in whose favour such land is not validly transferred to restore the land along with the rights and interest therein to the position in which it was immediately before such transfer within a period of one month of such order.

Explanation.- For the purposes of this Act, the expression "Jantri" means the index of base market values as may be determined by the State Government from time to time."

Amendment of
section 82 in
Bom. LXVII of
1948.

4. In the Gujarat Tenancy and Agricultural Lands Act, in section 82, in sub-section (2), after clause (kaa), the following clauses shall be inserted, namely:-

“ (kab) the manner and period to fulfill the conditions by purchaser of the industrial park under sub-section(4B) of section 63AA;

(kac) the manner for disposal of land vested in the State Government under sub-section (5) of section 63AA;”.

Insertion of
new sections
54A, 54B and
54C in Sau. Ord.
XLI of 1949.

- 5 In the Saurashtra Gharkhed, Tenancy Settlement and Agricultural Lands Ordinance, 1949 (hereinafter referred to as “the Saurashtra Gharkhed, Tenancy Settlement and Agricultural Lands Ordinance”), after section 54, the following sections shall be inserted, namely:-

Sau. Ord.
XLI of
1949.

Last transaction
if made to an
agriculturist to
be valid even if
earlier
transaction or
transactions
may be invalid.

“54A. (1) Notwithstanding anything contained in section 54, where the Mamalatdar *suo moto* or on the application of any person interested in the land, has reason to believe that, in the breach of the provisions of clauses (a), (b) or (c) of sub-section (1) of section 54, transfer of the land had taken place in favour of a person who was not an agriculturist, and that certain transaction or transactions have taken place thereafter and the person in whose favour the last transaction was made on or before the 30th June, 2015, is an agriculturist, he shall issue a notice to such person and shall give him an opportunity of being heard and also make an inquiry as he deems fit.

(2) If the Mamalatdar comes to the conclusion that as a result of the last transaction in respect of such land, the person to whom such land was transferred is indeed an agriculturist, he shall call upon such person to pay to the State Government, for the use of such land only for the agricultural purpose, the amount of ten per cent. of the prevailing Jantri and after such payment he shall declare, by an order, such last transaction to be valid irrespective of the fact that any one or more of such transactions was or were invalid and upon such order,

Conversion of land
into non-agricultural
purpose if the land is
purchased before the
commencement of
Amending Act, 2015.

Bom. 29 of 1950.

18 of 2013.

Guj. of 2015.

no proceedings under section 75 shall be initiated and if already initiated shall be discontinued forthwith.

54B. (1) Notwithstanding anything contained in section 54 or 75A but subject to the provisions of any other law for the time being in force, any institution registered as a public trust for charitable purpose under the Gujarat Public Trusts Act, 1950, or any company registered under the Companies Act, 2013 which has in its objects the promotion of charity and to which provisions of section 8 of the said Act are applicable, has purchased the land in contravention of the provisions of sub-section (1) of section 54 on or before the 30th June, 2015, such institution shall be entitled to make an application within six months from the commencement of the Gujarat Tenancy and Agricultural Lands Laws (Amendment) Act, 2015, to the Collector for conversion of such land into non-agricultural purpose.

(2) On an application made under sub-section (1), the Collector shall make a detailed inquiry and comes to the conclusion that such institution has, in contravention of the provisions as referred to in sub-section (1) purchased the land, he shall call upon such public trust or the company as referred to in sub-section (1) to pay such amount in such manner as may be prescribed by the State Government and if such public trust or company pays such sum as directed by the Collector, the Collector shall allow the conversion of such land into the non-agricultural purpose and pass the order accordingly.”.

6. In the Saurashtra Gharkhed, Tenancy Settlement and Agricultural Land Ordinance, in section 55,-

Amendment of
section 55 of Sau.
Ord. XLI of 1949.

- (1) in sub-section (3), after the existing proviso, the following proviso shall be inserted, namely:-

“ Provided further that where the land is sold to a purchaser which is a company as defined by clause (20) of section 2 of the Companies Act, 2013, it may offer the equity shares of the company, to the person by whom such land is being sold, in *lieu* of the sale price of such land and if such person is in agreement for accepting such equity shares, either in full or partly, then it shall be incumbent upon such company to allot such equity shares of equivalent amount, either in full or partly, to such person.”;

18 of
2013.

(2) in sub-section (3), for clause (b) and proviso thereto, the following clause shall be substituted, namely:-

“ (b) the purchaser to whom a certificate is issued under sub-clause (i) of clause (c) of sub-section (3) shall commence production of goods or providing of services within five years from such date of certificate:

Provided that the period of five years may, on an application made by the purchaser in that behalf be extended by two years by the Collector as it may by an order in writing in such circumstances as may be prescribed:

Provided further that the Collector shall not extend such period for more than a period of one year at a time:

Provided also that such aggregate period of seven years may, on an application made by the purchaser in that behalf, and on the payment of fifty per cent. of the prevailing Jantri value, be extended by another three years by the State Government.”;

(3) after sub-section (3), the following sub-sections shall be inserted, namely:-

“(3A) In case where the purchaser fails to commence the production of goods or providing of services within three years from the date of certificate issued under sub-clause(ii) of clause (c) of sub-section (2)

or thereafter, the Collector may, after an application is made to him in that behalf grant permission by an order for sale or transfer of such land:

Provided that such permission shall be granted by the Collector only upon the payment of -

- (i) 40 per cent. of the prevailing Jantri value, if the application is made before the completion of a period of five years from the date of certificate;
- (ii) 60 per cent. of the prevailing Jantri value, if the application is made after a period of five years but before the completion of a period of seven years from the date of certificate;
- (iii) 100 per cent. of the prevailing Jantri value, if the application is made thereafter.

(3B) Notwithstanding anything contained in sub-section (3) or sub-section (3A),-

- (i) where the land is sold to a person in pursuance of sub-section (1) for the purpose of establishing an industrial park in consonance with the policy and conditions of the State Government in that behalf, the purchaser shall fulfill all the conditions in such manner and within such period as may be prescribed;
- (ii) the purchaser shall be required to obtain certificate/certificates from the Industries Commissioner, Gujarat State, in the manner as may be prescribed of having fulfilled the conditions as referred to in clause (i);
- (iii) in case where the purchaser fails to obtain the certificate/certificates as referred to in clause (ii), the provisions of sub-section (4), in so far as vesting of such land or part of such land in case where the purchaser has already transferred any portion or portions of such land, in the State

Government and disposal of such land are concerned, shall *mutatis mutandis* apply;

- (iv) the purchaser shall be entitled to transfer or sell portion of such land to any person for establishing an industry thereon subject to the provisions of the policy of the State Government with regard to the industrial park;
- (v) the transferee under clause (iv) or any person to whom such land may be transferred in any subsequent transaction or transactions shall be entitled to sell or transfer such portion of land to any person for the purpose as provided in clause (iv);
- (vi) in case where the purchaser is of the view, after a period of three years from the date of purchase of such land, that it is not possible for him to fulfill the conditions and obtain the certificate/certificates as referred to in this section, he may make an application to the Collector for grant of permission to sale or transfer of such land and the Collector shall thereupon grant such permission only upon the payment of,-
 - (a) 40 per cent. of the prevailing Jantri value, if the application is made before the completion of a period of five years from the date of certificate;
 - (b) 60 per cent. of the prevailing Jantri value, if the application is made after a period of five years but before the completion of a period of seven years from the date of certificate;
 - (c) 100 per cent. of the prevailing Jantri value, if the application is made thereafter:

Provided that such permission for sale of such land shall be granted only for the purpose of use of such land for the *bonafide* industrial purpose.

Explanation.- For the purposes of this section, the expression “*bonafide* industrial purpose” includes and shall always be deemed to have included the establishment of the industrial park.”;

(4) for sub-section (4), the following sub-section shall be substituted, namely:-

“(4) Where the Collector after making such inquiry as he deems fit and giving the purchaser an opportunity of being heard comes to the conclusion that the purchaser has failed to commence production of goods or providing of services within the period specified in clause (b) of sub-section (3), or the period extended under the provisos to that clause, the land shall vest in the State Government free from all encumbrances on payment to the purchaser of such compensation as the State Government may determine and such land shall be disposed of by the State Government in the manner as may be prescribed.”.

7. In the Saurashtra Gharkhed, Tenancy Settlement and Agricultural Lands Ordinance, after section 75, the following section shall be inserted, namely:-

Insertion of
new section
75A in Sau. Ord.
XLI of 1949.

Penalty to
transferee for
transfer of land in
breach of
provisions of sub-
section (1) of
section 54.

“ 75A. (1) Notwithstanding anything contained in section 75, where the Collector *suo moto* or on the application of any person, has reason to believe that, in the breach of the provisions of clause (a), (b) or (c) of sub-section (1) of section 54, transfer of the land has taken place in favour of a person who is not an agriculturist or in favour of any institution, the Mamalatdar shall issue a notice to such person or institution and, after affording an opportunity of being heard, decide whether the transfer of the land is valid or not.

(2) If the Collector comes to a decision that the transfer of such land is not valid then he shall pass an order thereby imposing the penalty of three times the amount of the prevailing Jantri of such land on the

person or the institution in whose favour such land is not validly transferred.

Explanation.- For the purposes of this Ordinance, the expression “Jantri” means the index of base market values as may be determined by the State Government from time to time.”.

Amendment of
section 73 of
Sau. Ord. XII
of 1949.

8. In the Saurashtra Gharkhed, Tenancy Settlement and Agricultural Lands Ordinance, in section 73, in sub-section (2), after clause (d), the following clauses shall be inserted, namely:-

“ (d-a) the manner and the period to fulfill the conditions by purchaser of the industrial park under sub-section (3B) of section 55;

(d-b) the manner for disposal of land vested in the State Government under sub-section (4) of section 55;”.

Amendment
of section
89A of Bom.
XCIX of
1958.

9. In the Gujarat Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, 1958 (hereinafter referred to as “the Gujarat Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act”), in section 89A-

Bom. XCIX of
1958.

- (1) in sub-section (1), after the existing proviso, the following proviso shall be inserted, namely:-

“ Provided further that where the land is sold to a purchaser which is a company as defined by clause (20) of section 2 of the Companies Act, 2013, it may offer the equity shares of the company, to the person by whom such land is being sold, in lieu of the sale price of such land and if such person is in agreement for accepting such equity shares, either in full or partly, then it shall be incumbent upon such company to allot such equity shares of equivalent amount, either in full or partly, to such person.”;

18 of 2013.

(2) in sub-section (4), for clause (b) and proviso thereto, the following clause shall be substituted, namely:-

“ (b) the purchaser to whom a certificate is issued under sub-clause (i) of clause (c) of sub-section (3) shall commence production of goods or providing of services within five years from the date of certificate:

Provided that the period of five years on an application made by the purchaser in that behalf be extended by two years by the Collector as it may by an order in writing in such circumstances as may be prescribed:

Provided further that the Collector shall not extend such period for more than a period of one year at a time:

Provided also that such aggregate period of seven years may, on an application made by the purchaser in that behalf, and on payment of fifty per cent. of the prevailing Jantri value, be extended by another three years by the State Government.”;

(3) after sub-section (4), the following sub-sections shall be inserted, namely:-

"(4A) In case where the purchaser fails to commence the production of goods or providing of services within three years from the date of certificate issued under sub-section (3) or thereafter, the Collector may, after an application is made to him in that behalf grant permission by an order for sale or transfer of such land:

Provided that such permission shall be granted by the Collector only upon the payment of -

- (i) 40 per cent. of the prevailing Jantri value, if the application is made before the completion of a period of five years from the date of certificate;
- (ii) 60 per cent. of the prevailing Jantri value, if the application is made after a period of five years but before the completion of a period of seven years from the date of certificate;

- (iii) 100 per cent. of the prevailing Jantri value, if the application is made thereafter.

(4B) Notwithstanding anything contained in sub-section (4) or sub-section (4A),-

- (i) where the land is sold to a person in pursuance of sub-section (1) for the purpose of establishing an industrial park in consonance with the policy and conditions of the State Government in that behalf, the purchaser shall fulfill all the conditions in such manner and within such period as may be prescribed;
- (ii) the purchaser shall be required to obtain certificate/certificates from the Industries Commissioner, Gujarat State, in the manner as may be prescribed of having fulfilled the conditions as referred to in clause (i);
- (iii) in case where the purchaser fails to obtain the certificate/certificates as referred to in clause (ii), the provisions of sub-section (5), in so far as vesting of such land or part of such land in case where the purchaser has already transferred any portion or portions of such land, in the State Government and disposal of such land are concerned, shall *mutatis mutandis* apply;
- (iv) the purchaser shall be entitled to transfer or sell portion of such land to any person for establishing an industry thereon subject to the provisions of the policy of the State Government with regard to the industrial park;
- (v) the transferee under clause(iv) or any person to whom such land may be transferred in any subsequent transaction or transactions shall be entitled to sell or transfer such portion of land to any person for the purpose as provided in clause (iv);

- (vi) in case where the purchaser is of the view, after a period of three years from the date of purchase of such land, that it is not possible for him to fulfill the conditions and obtain the certificate/certificates as referred to in this section, he may make an application to the Collector for grant of permission to sale or transfer of such land and the Collector shall thereupon grant such permission only upon the payment of,-
- (a) 40 per cent. of the prevailing Jantri value, if the application is made before the completion of a period of five years from the date of certificate;
- (b) 60 per cent. of the prevailing Jantri value, if the application is made after a period of five years but before the completion of a period of seven years from the date of certificate;
- (c) 100 per cent. of the prevailing Jantri value, if the application is made thereafter:

Provided that such permission for sale of such land shall be granted only for the purpose of use of such land for the *bonafide* industrial purpose.

Explanation.- For the purposes of this section, the expression "*bonafide* industrial purpose" includes and shall always be deemed to have included the establishment of the industrial park.”;

- (4) for sub-section (5), the following sub-section shall be substituted, namely:-

“(5) Where the Collector after making such inquiry as he deems fit and giving the purchaser an opportunity of being heard comes to the conclusion that the purchaser has failed to commence production of goods or providing of services within the period specified in clause (b) of sub-section (4), or the period extended

under the provisos to that clause, the land shall vest in the State Government free from all encumbrances on payment to the purchaser of such compensation as the State Government may determine and such land shall be disposed of by the State Government in the manner as may be prescribed.”.

Insertion of new
sections 89B,
89C and 89D in
Bom. XCIX of
1958.

10. In the Gujarat Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, after section 89A, the following sections shall be inserted, namely:-

Last transaction
if made to an
agriculturist to
be valid even if
earlier
transaction or
transactions
may be invalid.

“89B. (1) Notwithstanding anything contained in section 63, where the Mamalatdar *suo moto* or on the application of any person interested in the land, has reason to believe that, in the breach of the provisions of clause (a) or (b) of sub-section (1) of section 89, transfer of the land had taken place in favour of a person who was not an agriculturist, and that certain transaction or transactions have taken place thereafter and the person in whose favour the last transaction was made on or before the 30th June, 2015, is an agriculturist, he shall issue a notice to such person and shall give him an opportunity of being heard and also make an inquiry as he deems fit .

(2) If the Mamalatdar comes to the conclusion that as a result of the last transaction in respect of such land, the person to whom such land was transferred is indeed an agriculturist, he shall call upon such person to pay to the State Government, for the use of such land only for the agricultural purpose, the amount of ten per cent. of the prevailing Jantri and after such payment he shall declare, by an order, such last transaction to be valid irrespective of the fact that any one or more of such transactions was or were invalid and upon such order, no proceedings under section 122 shall be initiated and if already initiated shall be discontinued forthwith.

Conversion of land into
non-agricultural
purpose if the land is
purchased before the
commencement of
Amending Act, 2015.

Bom. 29 of 1950.

18 of 2013.

Guj. of 2015.

89C. (1) Notwithstanding anything contained in section 89 or 89D but subject to the provisions of any other law for the time being in force, any institution registered as a public trust for charitable purpose under the Gujarat Public Trusts Act, 1950, or any company registered under the Companies Act, 2013 which has in its objects the promotion of charity and to which provisions of section 8 of the said Act are applicable, has purchased the land in contravention of the provisions of sub-section (1) of section 89 on or before the 30th June, 2015, such institution shall be entitled to make an application within six months from the commencement of the Gujarat Tenancy and Agricultural Lands Laws (Amendment) Act, 2015, to the Collector for conversion of such land into non-agricultural purpose.

(2) On an application made under sub-section (1), the Collector shall make a detailed inquiry and comes to the conclusion that such institution has, in contravention of the provisions as referred to in sub-section (1) purchased the land, he shall call upon such public trust or the company as referred to in sub-section (1) to pay such amount in such manner as may be prescribed by the State Government and if such public trust or company pays such sum as directed by the Collector, the Collector shall allow the conversion of such land into the non-agricultural purpose and pass the order accordingly.

Penalty to
transferee for
transfer of Land
in breach of
provisions of
sub-section (1)
of Section 89.

89D. (1) Notwithstanding anything contained in sub-section (1) of section 122, where the Mamalatdar *suo moto* or on the application of any person, has reason to believe that, in the breach of the provisions of clause (a) or (b) of sub-section (1) of section 89, transfer of the land has taken place in favour of a person who is not an agriculturist or in favour of any institution, the Mamalatdar shall issue a notice to such person or institution and, after affording an opportunity of being heard, decide whether the transfer of the land is valid or not.

(2) If the Mamalatdar comes to a decision that the transfer of such land is not valid then he shall pass an order thereby,-

- (i) imposing the penalty of three times the amount of the prevailing Jantri of such land on the person or institution in whose favour such land is not validly transferred; and
- (ii) take further actions as provided in the provisions of sub-section (3) to (5) of section 122.

Explanation.- For the purposes of this Act, the expression "Jantri" means the index of base market values as may be determined by the State Government from time to time."

Amendment of
section 118 Bom.
XCIX of 1958.

11. In the Gujarat Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, in section 118, in sub-section (2), after clause (xix-a), the following clauses shall be inserted, namely:-

Bom. XCIX
of 1958.

- "(xix-b) the manner and period to fulfill the conditions by purchaser of the industrial park under sub-section (4B) of section 89A;
- (xix-c) the manner for disposal of land vested in the State Government under sub-section (5) of section 89A;"

STATEMENT OF OBJECTS AND REASONS

At present there are three different tenancy laws in operation in the State. In the Bombay area of the State of Gujarat, the Bombay Tenancy and Agricultural Lands Act, 1948, is in force, in the Kutch area of the State of Gujarat, the Bombay Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, 1958, is in force, whereas in the Saurashtra area of the State of Gujarat, the Saurashtra Gharkhed, Tenancy Settlement and Agricultural Lands Ordinance, 1949 is in force.

The said Acts have been enacted about more than sixty years ago and with the rapid industrialisation and urbanisation, it is considered necessary to amend and insert certain provisions in the said Acts in order to make the procedural parts of the Acts more simple and to mitigate the undue hardships the people have to suffer.

A provision in all the aforesaid Acts is proposed to be inserted to the effect that where the land is sold for *bonafide* industrial purpose, the purchaser of such land, if it is a company may offer the equity shares of such company in *lieu* of sale price of such land to the person by whom such land is being sold and if such person agrees to accept such equity shares either in full or partly then it shall be obligatory on the part of such company to allot such shares. Sub-clause (1) of clause 2, sub-clause (1) of clause 6 and sub-clause (1) of clause 9 of the Bill provides for the same.

It is proposed to raise the time limit for commencing the production from five years to seven years and such period of seven years can be extended by another three years on payment of fifty per cent. of prevailing Jantri value. A new provision is also proposed to be inserted in all the Acts for allowing the purchaser of the land for industrial purpose after a period of three years on payment of different rates of the prevailing Jantri value at the different intervals of time. Sub-clause (2) of clause 2, sub-clause (2) of clause 6 and sub-clause (2) of section 9 of the Bill provide for the same.

Special provisions with regard to the establishment of industrial park are also proposed to be incorporated particularly with regard to the conditions to be fulfilled by the purchaser, transfer or sale of such land or portion of such land. Sub-clause (3) of clause 2, sub-clause (3) of clause 6 and sub-clause (3) of clause 9 of the Bill provides for the same.

It is also considered necessary to insert a provision to protect the interests of an agriculturist who is at present as such despite the fact that earlier transaction or transactions in respect of the concerned land was or were invalid. It is also proposed to make provision for conversion of land for non-agricultural purpose if the land in question is purchased on or before the 30th June, 2015, by any institution registered for charitable purpose under the Gujarat Public Trusts Act, 1950 or by a company registered under the Companies Act, 2013 which has in its objects, the promotion of charity on payment of such amount as may be prescribed. A stringent provision is also proposed to be made to the effect that where the transfer of the land has taken place to a non-agriculturist, the person in whose favour such land has been invalidly transferred shall be liable to pay three times the amount of the prevailing jantri of such land and that such person shall be required to restore such land in the same position in which it was immediately before such transfer. Clauses 3, 7 and 10 of the Bill provide for the same.

This Bill seeks to amend the said three Tenancy Acts to achieve the aforesaid objects.

NITIN PATEL,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves delegation of legislative powers in the following respects:-

Clause 1- Sub-clause (2) of this clause empowers the State Government to appoint by notification in the *Official Gazette*, the date on which this Act shall come into force.

Clause 2- (i) Proviso to clause (b) of sub-section (4) of section 63AA of the Gujarat Tenancy and Agricultural Land Act, 1948, proposed to be inserted by sub-clause (2) of this clause empowers the State Government to prescribe by rules the circumstances under which the State Government shall extend the period by two years for commencement of production of goods and providing services;

(ii) sub-section (4B) in section 63AA of the Gujarat Tenancy and Agricultural Land Act, 1948, proposed to be inserted by sub-clause (3) of this clause empowers the State Government to prescribe by rules, the manner and the period within which the purchaser of the industrial park shall fulfill the conditions;

(iii) sub-section (5) of section 63AA of the Gujarat Tenancy and Agricultural Land Act, 1948, proposed to be substituted by sub-clause (4) of this clause empowers the State Government to prescribe by rules, the manner in which the land vested in the State Government shall be disposed of.

Clause 6- (i) Proviso to clause (b) of sub-section (3) of section 55 of the Saurashtra Gharkhed, Tenancy Settlement and Agricultural Lands Ordinance, 1949 proposed to be inserted by sub-clause (2) of this clause empowers the State Government to prescribe by rules the circumstances under which the State Government shall extend the period by two years for commencement of production of goods and providing services.

(ii) sub-section (3B) in section 55 of the Saurashtra Gharkhed, Tenancy Settlement and Agricultural Lands Ordinance, 1949, proposed to be inserted by sub-clause (3) of this clause empowers the State Government to prescribe by rules, the manner and the period within which the purchaser of the industrial park shall fulfill the conditions;

(iii) sub-section (4) of section 55 of the Saurashtra Gharkhed, Tenancy Settlement and Agricultural Lands Ordinance, 1949, proposed to be substituted by sub-clause (4) of this clause empowers the State Government to prescribe by rules, the manner in which the land vested in the State Government shall be disposed of.

Clause 9- (i) Proviso to clause (b) of sub-section (4) of section 89A of the Gujarat Tenancy and Agricultural Lands (Vidarbh Region and Kutch Area) Act, 1948 proposed to be inserted by sub-clause (2) of this clause empowers the State Government to prescribe by rules the circumstances under which the State Government shall extend the period by two years for commencement of production of goods and providing services;

(ii) sub-section (4B) in section 89A of the Gujarat Tenancy and Agricultural Lands (Vidarbh Region and Kutch Area) Act, 1948, proposed to be inserted by sub-clause (3) of this clause empowers the State Government to prescribe by rules, the manner and the period within which the purchaser of the industrial park shall fulfill the conditions;

(iii) sub-section (5) of section 89A of the Gujarat Tenancy and Agricultural Lands (Vidarbh Region and Kutch Area) Act, 1948, proposed to be substituted by sub-clause (4) of this clause empowers the State Government to prescribe by rules, the manner in which the land vested in the State Government shall be disposed of.

The delegation of legislative powers as aforesaid is necessary and is of a normal character.

Dated the 21st August, 2015.

NITIN PATEL.

By order and in the name of the Governor of Gujarat,

Gandhinagar,
Dated the 21st August, 2015.

C. J. GOTH,
Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.



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PART V

Bills introduced in the Gujarat Legislative Assembly

The following Bill which was introduced on the 27th August, 2015 by Shri Rajanikant Patel, M.L.A. is Published under rule 127-A of the Gujarat Legislative Assembly rules for general information.

GUJARAT BILL NO. 31 OF 2015

A BILL

To provide for the control, regulation and elimination of noise pollution in the State of Gujarat and matters connected therewith.

Whereas the level and intensity of noise in urban and metropolitan areas has reached at a level which is hazardous to Human health and safety of the people.

And whereas, ecologists are of the view that the ill effects of the noise pollution is at the alarming level and unless checked may lead to irreparable loss to the citizens.

And whereas, it is considered necessary to take appropriate measures to check it.

It is hereby enacted in the Sixty-Sixth Year of Republic of India as follows :-

1. (1) This Act may be called the Gujarat Noise Pollution (Prevention) Act, 2015.

Short title, extent and commencement.

(2) It shall extend to the whole of the State of Gujarat.

(3) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

2. In this Act, unless the context otherwise requires,-

Definitions.

(a) "Authority" means an Officer of the Gujarat Pollution Control Board appointed as Noise Control Authority under Section 3.

(b) "Noise" means unwanted sound with reference to frequencies and duration of the sound in the context of environment and includes noise within premises belonging to any person, noise created by vehicles, trains, loud speakers etc.

(c) "Prescribed" means prescribed by regulation made under the Act.

Appointment of
Noise Control
Authority.

3. The State Government may by notification in the *Official Gazette* appoint such officers not below the rank of Environment Engineer as the Noise Control Authority and assign to them such powers and such duties under this Act, as the State Government may deem fit and also specify the area of jurisdiction;

Authority to
regulate noise.

4. (1) The Authority shall prescribe standards or regulations regarding permissible noise from different sources.

(2) In cases where the Authority is of the opinion that with respect to any source of noise it increases the permissible level, he shall issue direction in writing to the concerned person and if such person fails to comply with the direction he shall take appropriate steps to prevent or eliminate the noise.

(3) The Authority shall take measures to educate people on noise pollution including use of media for the purpose.

(4) The Authority shall issue direction to the use of any product or mechanism in order to prevent, control, regulate or eliminate noise from that product or mechanism and failing to comply with such directions shall amount to offence.

(5) The Authority shall regulate the noise created by procession, marriage ceremony, by beating drums, public meetings or by use of fire crackers by prescribing regulations with prior approval of the State Government.

Cognizance of
offence.

5. Every offence under this Act shall be cognizable and bailable for a minimum sum of rupees Ten thousand. All prosecutions under this Act shall be tried in the Metropolitan Magistrate Court.

Penalties.

6. Any person who is guilty of violating any of the provision of the Act or regulations made there under shall be punished with fine of not less than rupees ten thousand but not exceeding rupees twenty five thousand or be sentenced to imprisonment not exceeding three months or both.

Provision not to
restrict rights of
individual.

7. Nothing in this Act shall take away or restrict any right of a person under Common Law or the Law of Torts to seek enforcement of his right to have any environmental Free noise.

Power to make
Regulation.

8. The Gujarat Pollution Control Board with previous approval of the State Government may make regulations, consistent with this Act, for carrying out all or any of the provisions under this Act.

STATEMENT OF OBJECTS AND REASONS

The magnitude of unwanted sound in the environment increases day by day, which is hazardous to the health of the people. Source of noise includes industries, transport system, marriage procession on public road, public meetings by political parties and many more. Sometime, it is difficult to bear the intensity of such noise by a student preparing for examination and a patient who is on the death bed in Hospital.

At present, there is no adequate machinery in Government to regulate the problem of noise. It is also equally necessary to educate people for elimination of noise.

Hence, it is considered necessary to have a comprehensive law on this subject.

Hence, this Bill.

GANDHINAGAR
Dated the 11th August, 2015.

RAJANIKANT M. PATEL
M. L. A.

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves the delegation of legislative power in the following respect:-

Clause 1- sub-clause (3) of the clause empowers the State Government to appoint by notification in Official Gazette the date on which the Act. shall come into force;

Clause 3- This clause provides for the appointment of certain officers as the Notice Control Authority.

Clause 4- of the Bill empowers the Gujarat Pollution Control Board to frame regulations for permissible noise from different sources.

Clause 8- of the Bill empowers the Board to frame regulations for carrying out the purposes of the Act.

The delegation of legislative power, as aforesaid, is necessary and is of a normal character.

GANDHINAGAR
Dated the 11th August, 2015.

RAJANIKANT M. PATEL
M. L. A.

Gandhinagar.
Dated the 27th August, 2015

D. M. PATEL,
Secretary,
Gujarat Legislative Assembly.



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PART V

Bills introduced in the Gujarat Legislative Assembly

The Following Bill Which Was introduced on the 27th August, 2015 by Dr. T. D. Mania Rajanikant Patel, M.L.A. is Published under rule 127-A of the Gujarat Legislative Assembly Rules for general information

GUJARAT BILL NO. 32 OF 2015.

THE GUJARAT PROHIBITION OF SMOKING IN CERTAIN PUBLIC PLACES BILL, 2015.

A BILL

to provide for prohibition of smoking in public places and to prohibit hookah bars and giving protection to Health of non-smoking and matters connected therewith.

It is hereby enacted in the sixty-Sixth year of the Republic of India as follows :-

1. (1) This Act may be called the Gujarat Prohibition of Smoking in Certain Public Places Act, 2015.
- (2) It extends to the whole of the State of Gujarat.
- (3) It shall come into force at once.

Short title,
extent and
commencement.

Definitions. 2. In this Act, unless the context otherwise requires,-

- (1) "imprisonment" means imprisonment of either description as defined in the Indian Penal Code.
- (2) "public place" means a place including a garden shows, theatres, halls, transport vehicles, road, street or way, whether a thorough fare or not and a landing place to which a public are granted access to or have a right to resort or over which they have right to pass.
- (3) "Government premises" means any building own or rented by the Central or State Government or local authorities including building where the Government offices are situated.
- (4) "hookah bar" means a place where a customer is served smoking facility in *hookah* which contains substance like nicotine, etc. hazardous to health;
- (5) "Special Officer" means a Government Officer designated as such for the purpose of implementation of this Act.

Prohibition of smoking at certain places and hookah bar and penalty on contravention. 3. (1) No person shall smoke at public places or at Government premises or a place of entertainment (including a cinematograph exhibition, dance or drama) to which members of the public are admitted.

(2) The restaurant, hotel, cafes or other places of amusement shall be construed *hookah bar* for the purpose of this section and the owner of such places shall require to see that *hookah* is not served or a customer is not allowed to smoke *hookah* at such places.

(3) Any person who contravenes the provisions of this section shall be liable to penalty of rupees five hundred which may extend to five thousand rupees.

Appointment of a Special Officer. 4. A special officer appointed by the State Government shall superintend that the prohibition under this Act is strictly implemented and any contravention to the provision is punished.

Discouragement of smoking habit and encouragement to the non-smokers. 5. (1) The State Government may discourage the smoking habit of people and encourage the persons who are non-smokers for lifetime by conferring honour and awards to such people.

(2) It shall be the duty of the Special Officer to arrange programmes for public awareness about non-smoking in the society.

STATEMENT OF OBJECTS AND REASONS

Smoking at public places as well as in the Government owned buildings and offices has become matter of great concern now a days. The non-smoker folk has also to suffer due to this nuisance.

Moreover, in the recent time the youths are provided facilities of smoking *hookah* at hookah bar. This being hazardous to health requires prohibitory measures.

Hence it is considered necessary to enact a law which prohibits smoking at public places, Government premises and at hookah bar.

It also provide for efforts by the State Government for encouraging non-smoker folk by awarding honour to such people.

Hence this Bill.

GANDHINAGAR.

Dated the 21st August, 2015

DR. T. D. MANIA

M. L. A.

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves the delegation of legislative power in the following respect:-

Clause 4- of the Bill empowers the state Government to appoint special officer for the purpose of implementation of this Act.

The delegation of legislative power, as aforesaid, is necessary and is of a normal character.

GANDHINAGAR.

Dated the 21st August, 2015

DR. T. D. MANIA

M. L. A.

GANDHINAGAR

Dated the 27th August, 2015.

D.M.PATEL

Secretary,

Gujarat Legislative Assembly.



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PART - V

Bills introduced in the Gujarat Legislative Assembly.

The following Bill which was introduced on the 27th August, 2015 by Ashokkumar Patel, M.L.A. is Published under rule 127-A of the Gujarat Legislative Assembly rules for general information.

GUJARAT BILL No. 33 OF 2015.

THE GUJARAT PREVENTION OF ACCIDENTS ON HIGHWAYS BILL, 2015.

A BILL

to make provisions for prevention of accidents on highways and for matters connected therewith.

It is hereby enacted in the Sixty Sixth Year of the Republic of India, as follows:-

1. (1) This Act may be called the Gujarat Prevention of Accidents on Highways Act, 2015.

Short title and
commencement.

(2) It shall come into force at once.

Definitions. 2. In this Act, unless the context otherwise requires,-

(a) "Special Authority" means the Authority constituted under section-3 of this Act.

(b) "Highway" means, State Highways, National Highways and such other roads as may be classified as such by the State Government.

(c) "Traffic Police" means a section of the Gujarat Police looking after the regulations of Highways Traffic.

(d) The expressions which are used, but not defined shall have the same meaning as being given in the Motor vehicles Act, 1988.

Establishment of Special Authority.

3. (1) The State Government shall by notification in the *Official Gazette* establish a special Authority to Supervise and work for the prevention of accidents on highways in the State of Gujarat.

(2) The Special Authority shall consist of the Chairman and such other members not exceeding 14 as may be appointed by the State Government.

Provided that at least two members of the Gujarat Legislative Assembly shall be appointed on the Special Authority.

Tenure of the members of the Special Authority.

4. (1) The Chairman and members of the Special Authority shall be appointed for period of 3 years from the date of appointment.

Provided that the members of Gujarat Legislative Assembly shall continue to be members for full term of the Special Authority even though they cease to be members of the Assembly.

Payment of Allowances to the Chairman and other members of the Special Authority.

5. The Chairman and members of the Special Authority shall not be entitled to receive any salary but they shall be entitled to receive the allowances for performing their duties as may be determined by Government.

Staff under the special Authority.

6. (1) The staff under the Special Authority shall consist of--

- (a) Secretary, who shall be appointed by the Government and;
- (b) Such other employees as the Special Authority may, with the previous approval of the State Government, appoint from time to time.

(2) The Salary of the Secretary and other employees shall be such as may be prescribed.

(3) The other terms and conditions of the services of the Secretary and other employees shall be such as may be prescribed.

7. The function of the Special Authority shall be;

Functions of
the special
Authority.

(a) to supervise the road traffic and to suggest the measures for avoiding accidents on the highways.

(b) to keep record of accidents and to find out the common causes of the accidents and to suggest the remedial measures.

(c) to suggest changes in the existing highway traffic rules.

(d) The State highway police shall implement the suggestions made by the special Authority and shall also carry out the instructions issued by it and will provide necessary assistance to the Authority.

8. (1) The Government may frame the rules by notification in the Official Gazette to carry out the objects of the Act.

Rules.

(2) The rules made under this Section shall be made before the Legislature of the State at the sessions thereof next following and shall be liable to be modified or rescinded by a resolution passed by the Legislature and such rules after notifying in the Official gazette, be deemed to have been modified or rescinded accordingly.

STATEMENT OF OBJECTS AND REASONS

As present the road Accident on the Highways of Gujarat are increasing at an alarming rate. Every day several accidents occur on the Highways resulting in loss of lives of the people and also making many people invalid by severe and permanent injuries;

The exiting machinery of highway Police which looks after the highway traffic is not sufficient to check the highway accident.

Therefore, a separate Special Authority is proposed to be set up to suggest measures and issue directions to the Highway traffic Police with a view to control and minimise accidents taking places on highways of Gujarat.

Dated the 21st August, 2015.
Gandhinagar.

ASHOKKUMAR PATEL
M.L.A.

FINANCIAL MEMORANDUM

Section 5 and 6 of the bill provides for giving salaries and allowances to the Chairman, Members and Staff of the special Authority which may involve expenditure from the consolidated Fund of the State of about Rs. 15 lacs per years.

Dated the 21st August, 2015.
Gandhinagar.

ASHOKKUMAR PATEL
M.L.A.

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill provides for delegation of Legislative powers in the following respects :-

Clause 3.--This clause empowers the State Government to appoint by notification in the *Official Gazette*, a Special Authority.

Clause 5.--This clause empowers the State Government to determine the allowances to the chairman and Members of the special Authority.

Clause 6.--This clause empowers the State Government to approve the strength and other conditions of services of the Secretary and employees under the Special Authority.

Clause 8.--This clause empowers the State Government to frame the rules to carry out the objects of the Act.

The delegation of Legislative powers are of normal character.

Dated the 21st August, 2015.
Gandhinagar.

ASHOKKUMAR PATEL
M.L.A.

Gandhinagar,
Dated the 27th August, 2015.

D. M. PATEL,
Secretary,
Gujarat Legislative Assembly.



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PART - V

Bills introduced in the Gujarat Legislative Assembly.

The following Bill which was introduced on the 27th August, 2015 by Manisha Vakil, M.L.A. is Published under rule 127-A of the Gujarat Legislative Assembly rules for general information.

Use of Correct Gujarati Spelling by Public Institutes Bill, 2015

Gujarat Bill No. 34 OF 2015.

A Bill

to provide for control of use of wrong Gujarati spellings by the public institutes in the State.

It is hereby enacted in the Sixty-Sixth Year of Republic of India as follows:-

- 1 (1) This Act may be called as the Use of Correct Gujarati Spellings by Public Institutes Act, 2015. Short title and commencement
- (2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.
2. In this Act, unless the context otherwise requires- Definition.
 - (i) "Authorised Officer" means the Authorised Officer of the Gujarat Sahitya Parishad nominated by it for the purpose of this Act.
 - (ii) "Public Institute" means the offices of State Government, Local Authorities, Boards, Corporations and Companies owned or controlled by the State Government and includes the institutes taking any type of grant or financial assistance from the State Government.
3. It shall be the duty of every public Institute to use a right spelling of Gujarati language in its signboard, publications, instructions and advertisement. Duty to use right Gujarati spelling.

Noticing
wrong
Gujarati
spelling.

4. Any person can draw attention of the responsible officer of the public institute to the fact that it has used particular wrong spelling in its signboards, publications, instructions or advertisement.

Correction
by the
public
institute.

5. On receipt of such intimation of wrong spelling used the responsible officer shall within a period of 15 days take action to correct the wrong spelling and intimate to the person of action taken.

Action on
failure to
correct
Gujarati
spelling.

6. (1) Where the responsible officer of the public institute has not taken any appropriate action for correcting the wrong spelling of Gujarati, the authorised officer of Gujarat Sahitya Parishad shall issue notice seeking explanation of the responsible officer of the said public institute and also direct him to correct the wrong spelling within a period of one month.

(2) Where the authorised officer of the Gujarat Sahitya Parishad does not receive any explanation from the said responsible officer of the public institute or it has not corrected the wrong spelling, issue an advertisement in a daily newspaper publishing the information about the wrong spelling used by such public institute and the correct spelling ought to be there.

(3) The cost of the advertisement issued under sub-section (2) above shall be borne by such public institute.

Authority
and
reference to
correct
Gujarati
spellings.

7. In deciding the true spelling of Gujarati word, the authorised officer of Gujarat Sahitya Parishad shall have access to the Sarth Jodani Kosh published by Gujarat Vidyapith, Ahmedabad from time to time.

Government
Grant to
Authority.

8. For the purpose of effective implementation of the provisions of this Act, State Government shall provide to the Gujarat Sahitya Parishad a recurring grant of such amount as may be decided by the State Government.

Powers to
give
directions.

9. The State Government may give directions to the Public Institutes or Authorised Officer for carrying out the purposes of this Act.

Statement of Objects And Reasons

It is seen now a days that lots of people are writing wrong Gujarati spellings. This requires to be checked at least in offices of State Government, Local Authorities, Boards, Corporations and Companies owned and controlled by the State Government. The Gujarat Sahitya Parishad is also linked up in the provisions of the Bill. The authorised Officer of the said Parishad will be the implementing authority and deciding authority of the correctness of the Gujarati spellings. In deciding the correct spelling of the Gujarati word, the Sarth Jodani Kosh of the Gujarat Vidyapith shall be the final reference book. Such a provision will be in tune with Mahatma Gandhi's preference to Sarth Jodani Kosh. Hence this Bill.

GANDHINAGAR.**Dated the 21st August, 2015****MANISHA VAKIL****M. L. A.**

Financial Memorandum

The Bill provides for giving grant of the recurring nature to the Gujarat Sahitya Parishad for effectively carrying out the provisions of the Act. The amount of the grant shall be decided by the State Government and shall be paid out of the Consolidated Fund of the State, if the provisions of the Bill are brought into force.

GANDHINAGAR.**Dated the 21st August, 2015****MANISHA VAKIL****M. L. A.****MEMORANDUM REGARDING DELEGATED LEGISLATION**

This Bill involves the delegation of legislative power in the following respect:-

Clause 9- of the Bill empowers the state government to give directions to the public institutes or authorized officer for carrying out of the purposes of implementation of this Act.

The delegation of legislative power, as aforesaid, is necessary and is of a normal character.

GANDHINAGAR.**Dated the 21st August, 2015****MANISHA VAKIL****M. L. A.**

Gandhinagar,

Dated the 27th August, 2015.**D. M. PATEL,**Secretary,
Gujarat Legislative Assembly.